


C1632534

The State of California vs HOUGHTON, VALERIE RUNYAN

CASE INFO PARTIES **HEARINGS** PRINTABLE

HEARINGS

Show 50  entries

Search:

Department	Type	▼ Date	Time	Result
Department 34	Preliminary Examination	9/3/2020	8:30AM	
Department 34	Conference: Readiness	2/27/2020	9:00AM	Held
Department 41	Preliminary Examination	12/9/2019	8:30AM	Held
Department 41	Conference: Readiness	9/12/2019	9:00AM	Held
Department 41	Hearing: Plea	7/30/2019	9:00AM	Held
Department 41	Hearing: Plea	6/18/2019	9:00AM	Held
Department 41	Hearing: Plea	5/22/2019	1:30PM	Held
Department 41	Hearing: Plea	3/27/2019	1:30PM	Held
Department 41	Hearing: Plea	1/29/2019	1:30PM	Held
Department 41	Hearing: Plea	12/19/2018	1:30PM	Held
Department 41	Hearing: Plea	10/19/2018	9:00AM	Continued: Court
Department 41	Hearing: Plea	8/3/2018	9:00AM	Continued: Court
Department 41	Hearing on Subpoena Duces Tecum	6/8/2018	9:00AM	Continued: Court
Department 41	Hearing: Plea	5/22/2018	9:00AM	Continued: Court
Department 41	Hearing on Subpoena Duces Tecum	5/8/2018	9:00AM	Held
Department 41	Hearing on Subpoena Duces Tecum	4/13/2018	9:00AM	Held
Department 41	Hearing on Subpoena Duces Tecum	3/28/2018	9:00AM	Held

Department 41	Hearing: Plea	2/14/2018	9:00AM	Continued: Court
Department 41	Hearing: Ordered by the Court	12/6/2017	9:00AM	Off Calendar by court
Department 41	Hearing: Plea	12/6/2017	9:00AM	Continued: Court
Department 41	Hearing: Plea	9/13/2017	9:00AM	Continued: Court
Department 41	Hearing: Plea	7/19/2017	9:00AM	Continued: Court
Department 41	Hearing: Ordered by the Court	6/8/2017	9:00AM	Held
Department 41	Hearing: Plea	5/25/2017	9:00AM	Continued: Court
Department 41	Hearing: Plea	4/11/2017	9:00AM	Continued: Court
Department 41	Hearing on Subpoena Duces Tecum	3/14/2017	9:00AM	Held
Department 41	Hearing: Plea	2/2/2017	9:00AM	Continued: Court
Department 34	Hearing: Plea	12/8/2016	9:00AM	Continued: Court
Department 34	Hearing: Plea	9/15/2016	9:00AM	Continued: Court
Department 34	Hearing: Plea	7/6/2016	9:00AM	Continued: Court
Department 34	Hearing: Plea	4/28/2016	9:00AM	Continued: Court
Department 34	Hearing: Plea	4/14/2016	9:00AM	Continued: Court
Department 23	Arraignment	3/11/2016	1:30PM	Held

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
HALL OF JUSTICE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

TERRY NORMAN HOUGHTON (05/23/1954),
1232 NORVAL WAY SAN JOSE CA 95125
VALERIE RUNYAN HOUGHTON (06/05/1955),
1232 NORVAL WAY SAN JOSE CA 95125

Defendant(s).

C1632534

FELONY COMPLAINT
CASE SUMMARY

DA NO: 160305574

CEN

TNH WARR

VRH WARR

CASE SUMMARY

Count	Charge	Charge Range	Defendant	Allegation	Alleg. Effect
1	CC25541	2-3-5	Terry Norman Houghton Valerie Runyan Houghton	PC12022.6(a)(3) PC12022.6(a)(3)	3 YEARS 3 YEARS
2	PC484-487(a)	16-2-3	Terry Norman Houghton Valerie Runyan Houghton	PC12022.6(a)(3) PC12022.6(a)(3)	3 YEARS 3 YEARS
3	PC484-487(b)(3)	16-2-3	Terry Norman Houghton Valerie Runyan Houghton	PC12022.6(a)(3) PC12022.6(a)(3)	3 YEARS 3 YEARS
4	PC484-487(a)	16-2-3	Terry Norman Houghton Valerie Runyan Houghton		

Prior/Alleg:

Terry Norman

Houghton

Valerie Runyan PC186.11(a)(1)/(2-3-5

Houghton a)(2)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
HALL OF JUSTICE

COMPLAINT FOR ARREST WARRANT(S)
VALERIE RUNYAN HOUGHTON EDX453
TERRY NORMAN HOUGHTON EDX452

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

TERRY NORMAN HOUGHTON (05/23/1954),
1232 NORVAL WAY SAN JOSE CA 95125
VALERIE RUNYAN HOUGHTON (06/05/1955),
1232 NORVAL WAY SAN JOSE CA 95125

Defendant(s).

C11632534
FELONY COMPLAINT

DA NO: 160305574

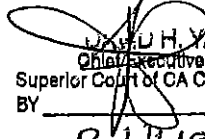
CEN

TNH WARR

VRH WARR

FILED

MAR - 8 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY  DEPUTY

B. Huerta

The undersigned is informed and believes that:

COUNT 1

On or about and between March 8, 2011 and December 31, 2013, in the County of Santa Clara, State of California, the crime of USE OF DEVICE, SCHEME AND ARTIFICE TO DEFRAUD IN THE OFFER, PURCHASE AND SALE OF A SECURITY, in violation of CORPORATIONS CODE SECTION 25541, a Felony, was committed by TERRY NORMAN HOUGHTON AND VALERIE RUNYAN HOUGHTON who did willfully employ, directly and indirectly, a device, scheme, and artifice to defraud and did willfully engage, directly and indirectly, in an act, practice, and course of business which would operate and did operate as a fraud and deceit upon a person in connection with the offer, purchase, and sale of a security, Limited Partnership Interest.

(CJIC-NOPR) It alleged that in the commission and attempted commission of the offense(s) charged above, the defendant TERRY NORMAN HOUGHTON, with the intent to do so, took, damaged and destroyed property of a value exceeding one million three hundred thousand dollars (\$1,300,000), within the meaning of Penal Code section 12022.6(a)(3).

It is further alleged that where the amount of the theft or taking exceeds one hundred thousand dollars (\$100,000), probation shall not be granted except in an unusual case where the interests of justice would best be served, within the meaning of Penal Code section 1203.045.

(CJIC-NOPR) It alleged that in the commission and attempted commission of the offense(s) charged above, the defendant VALERIE RUNYAN HOUGHTON, with the intent to do so, took, damaged and destroyed property of a value exceeding one million three hundred thousand dollars (\$1,300,000), within the meaning of Penal Code section 12022.6(a)(3).

It is further alleged that where the amount of the theft or taking exceeds one hundred thousand dollars (\$100,000), probation shall not be granted except in an unusual case where the interests of justice would best be served, within the meaning of Penal Code section 1203.045.

COUNT 2

On or about and between March 8, 2011 and December 31, 2013, in the County of Santa Clara, State of California, the crime of GRAND THEFT OF PERSONAL PROPERTY OF A VALUE OVER NINE HUNDRED AND FIFTY DOLLARS, in violation of PENAL CODE SECTION 484-487(a), a Felony, was committed by TERRY NORMAN HOUGHTON AND VALERIE RUNYAN HOUGHTON who did unlawfully take personal property, \$1,435,917.00, of a value exceeding nine hundred and fifty dollars (\$950.00), the property of Metaview Wholesale Investments, LP.

(CJIC-NOPR) It alleged that in the commission and attempted commission of the offense(s) charged above, the defendant TERRY NORMAN HOUGHTON, with the intent to do so, took, damaged and destroyed property of a value exceeding one million three hundred thousand dollars (\$1,300,000), within the meaning of Penal Code section 12022.6(a)(3).

It is further alleged that where the amount of the theft or taking exceeds one hundred thousand dollars (\$100,000), probation shall not be granted except in an unusual case where the interests of justice would best be served, within the meaning of Penal Code section 1203.045.

(CJIC-NOPR) It alleged that in the commission and attempted commission of the offense(s) charged above, the defendant VALERIE RUNYAN HOUGHTON, with the intent to do so, took, damaged and destroyed property of a value exceeding one million three hundred thousand dollars (\$1,300,000), within the meaning of Penal Code section 12022.6(a)(3).

It is further alleged that where the amount of the theft or taking exceeds one hundred thousand dollars (\$100,000), probation shall not be granted except in an unusual case where the interests of justice would best be served, within the meaning of Penal Code section 1203.045.

COUNT 3

On or about and between March 8, 2011 and December 31, 2013, in the County of Santa Clara, State of California, the crime of GRAND THEFT BY EMPLOYEE, AGENT, OR SERVANT - VALUE EXCEEDING \$950, in violation of PENAL CODE SECTION 484-487(b)(3), a Felony, was committed by TERRY NORMAN HOUGHTON AND VALERIE RUNYAN HOUGHTON who did as a servant, agent and employee of Metaview Wholesale Investments, LP unlawfully take from Metaview Wholesale Investments, LP personal property, \$1,435,917.00, of a value exceeding nine hundred fifty dollars (\$950.00).

(CJIC-NOPR) It alleged that in the commission and attempted commission of the offense(s) charged above, the defendant TERRY NORMAN HOUGHTON, with the intent to do so, took, damaged and destroyed property of a value exceeding one million three hundred thousand dollars (\$1,300,000), within the meaning of Penal Code section 12022.6(a)(3).

It is further alleged that where the amount of the theft or taking exceeds one hundred thousand dollars (\$100,000), probation shall not be granted except in an unusual case where the interests of justice would best be served, within the meaning of Penal Code section 1203.045.

(CJIC-NOPR) It alleged that in the commission and attempted commission of the offense(s) charged above, the defendant VALERIE RUNYAN HOUGHTON, with the intent to do so, took, damaged and destroyed property of a value exceeding one million three hundred thousand dollars (\$1,300,000), within the meaning of Penal Code section 12022.6(a)(3).

It is further alleged that where the amount of the theft or taking exceeds one hundred thousand dollars (\$100,000), probation shall not be granted except in an unusual case where the interests of justice would best be served, within the meaning of Penal Code section 1203.045.

COUNT 4

On or about and between March 8, 2011 and December 31, 2013, in the County of Santa Clara, State of California, the crime of GRAND THEFT OF PERSONAL PROPERTY OF A VALUE OVER NINE HUNDRED AND FIFTY DOLLARS, in violation of PENAL CODE SECTION 484-487(a), a Felony, was committed by TERRY NORMAN HOUGHTON AND VALERIE RUNYAN HOUGHTON who did unlawfully take personal property, \$134,135.00, of a value exceeding nine hundred and fifty dollars (\$950.00), the property of Sully and Adrienne McGrath.

AGGRAVATED WHITE COLLAR CRIME ENHANCEMENT

It is further alleged that the felony crimes charged in Counts 1, 2, 3, and 4 are related, that a material element of the crimes is fraud and embezzlement, that the crimes involve a pattern of related felony conduct, and that the pattern of related felony conduct by TERRY NORMAN HOUGHTON AND VALERIE RUNYAN HOUGHTON involves the taking of more than five hundred thousand dollars (\$500,000), within the meaning of Penal Code sections 186.11(a)(1) and (a)(2).

Any defendant, including a juvenile, who is convicted of and pleads guilty and no contest to any felony offense, including any attempt to commit the offense, charged in this complaint or information is required to provide buccal swab samples, right thumbprints and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998 and Penal Code section 296, et seq.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant TERRY NORMAN HOUGHTON, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant VALERIE RUNYAN HOUGHTON, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on March 7, 2016, in SANTA CLARA County, California.

Δ: T. Houghton

Cash or Bond \$1,435,917.00

Date 3/8/16

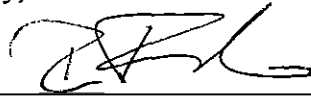
Δ: V. Houghton

Cash or Bond \$1,435,917.00

Date: 3/8/16

Warrant Received for Service by:

on 3/8/16



Richard Fong 4K71

(Richard Fong 4K71)

ODA and DABOI BI140507858

HUANG/ D492/ FELONY/ CC



JUDGE OF THE SUPERIOR COURT

Shelyna V. Brown

58 HALL OF JUSTICE
190 W. HEDDING STRE
SAN JOSE, CA 95110

TN 1008

PVC 1-10

CASE NO.

C1632534

CEN

16506031

DATE

03/11/2016 1:35 PM

DEPT. 23

06/05/1955 CANB404276 CDY BK:N

CLERK

T. OTWELL

EDX453 F

HEARING

ARRAIGNMENT

DV:

CN-04387-4K71 -FONG

CHILD:

I-WARR-1435917

TW

D.A.

MOORE C Huang

APO

F(002)PC484/487(A)

VIOLATION DATE

F(004)PC484/487(A)

03/08/2011

NEXT APPEARANCE

4-14-16 9:00 D34

☒ Defendant Present ☐ Not Present ☒ Atty Present Ed Krause AD ☒ IDO ☒ Special App

☐ Arr'd ☒ Adv ☐ Arr Wav ☐ Amend Comp/Info ☐ Arr ☒ Plea ☐ IDC ☐ PTC ☐ Prob / Sent ☐ Interpreter ☐ Sworn

☐ PC977 ☐ Filed ☐ On File ☐ Repr. Adv / Wav ☐ Bail/ OR/ SORP ☐ Rect Dr Rpt ☐ FAR/ ERC ☐ Bail Apply ☐ Balance Exonerated

☐ NG ☐ Entered by CRT ☐ NGBRI / Adv ☐ PSet ☐ Prelim ☐ Readiness ☐ S / B MTC ☐ Bail Exonerated ☐ Forfeited ☐ Bond #

☐ Denies Priors/ Allegations/ Enhancements/Refusal ☐ Further ☐ Jury ☐ CT ☐ Peo / Def Wav Jury ☐ Reassumption Filed ☐ Forfeiture Set Aside ☐ Bail Rein

☒ TW ☐ TNW ☐ TW / WD ☐ TW Sentence ☐ Ref'd ☐ \$ ☐ Costs Within 30 Days to Court

☒ Relieved ☐ Appt'd ☐ APO / DADS/ Prop 36 ☐ P36 Re-Assm'l ☐ SORP / OR ☐ Revoked ☐ Reinstated ☐ May Post & Forfeit

☐ Hrg on Motion SORP ☐ Crim Proc Susp ☐ Rein ☐ Status Hrg ☐ BW Ordered \$ ☐ Stayed ☐ To Issue

☒ Granted ☐ Denied ☐ Submitted ☐ Off Cal ☐ Subm on Report ☐ Found ☐ No Cite Release/SCIT ☐ No Request ☐ Cash Only

☐ Stip to Comm ☐ Drs. Appointed ☐ Max Term ☐ Committed ☐ BW Set Aside ☐ Recalled ☐ Filed ☐ Remain Out ☐ NWF

☐ Prelim Wav ☐ Certified to General Jurisdiction ☐ MDA / COM Amended to ☐ Proof of

☐ Amended to ☐ (M) VC12500(a) / VC23103(a) ☐ Pur VC23103.5 ☐ DA Stmt Filed Disc to court ☐ PROP. 47

PLEA Conditions: ☐ None ☐ No State Prison ☐ PC17 after 1 Yr Prob ☐ Includes VOP

☐ Jail / Prison Term of ☐ Add to Cal ☐ Vacate pending date

☐ Dismissal / Striking ☐ Subm time of Sent ☐ Harvey Stip

☐ Adv Max Pen / Parole / Prob / Immig / Appeal ☐ Reg HS11590/PC290/PC457.1/PC186.30 ☐ FSF ☐ Fines/Fees ☐ PC29800/29805/30305/666/VC14607.8

☐ Wav Right to ☐ Counsel ☐ Court / Jury Trial ☐ Subpoena / Confront / Examine Witnesses ☐ Self-incrimination ☐ Written Waiver filed ☐ Plea / Absentia filed

☐ COP ☐ GUILTY ☐ NOLO CONTENDERE to charges & admits enhancements / allegations / priors ☐ PC17 ☐ Arbuckle ☐ Factual Basis found ☐ Findings stated

☐ Prop 36 Granted / Unamenable / Refused / Term ☐ DEJ Eligibility Filed ☐ DEJ Granted / Rein / Term ☐ Fee \$ ☐ Guilty Plea Rendered

☐ Waives Referral ☐ APO Full Rpt ☐ CR110 issued **Fines/Fees Pay to:** ☐ DOR ☐ Traffic ☐ Court ☐ Today ☐ Audit #

☐ Sent Suspended ☐ PROBATION DENIED

PROBATION ☐ Execution ☐ Imposition of sentence suspended for probation period

☐ COURT ☐ FORMAL PROBATION GRANTED for ☐ Days / Mos / Yrs

☐ Report to APO within ☐ Days ☐ Terminated ☐ Upon Release

☐ Perform ☐ Hrs Volunteer Work as directed PO / SAP ☐ in lieu of fine/Jail

☐ Not drive w/o valid DL & Ins ☐ Adv VC23600 ☐ HTO ☐ Re-refer

☐ MOP ☐ FOP ☐ 12 hrs ☐ 3 mos ☐ 9 mos ☐ Enroll within ☐ days

☐ DL Susp/ Restr'd/ Rvk'd for ☐ IID Not/Ordered/ Rmv'd Term ☐ Yrs

☐ No contact with victim or family / co-defts unless appr by APO ☐ PC1202.05

☐ DVPO issued / mod / term'd Exp ☐ Victim Present

☐ No Contact ☐ Peaceful Contact ☐ DSA thru APO / DOR / CRT ☐ Filed

☐ Not own/possess deadly weapons ☐ Destroy/return weapon

☐ Stay away from

☐ Submit Search/Testing ☐ Educ/Voc Trng/Emp ☐ No alcohol / drugs or where sold

☐ Substance Abuse, Psych, Theft, Anger Mgmt, DV, Parenting cnsl / prgm

☐ PC296 (DNA) ☐ PC1202.1 HIV Test / Education

VOP: ☐ Wav ☐ Arr'd ☐ Admits/Denies Viol ☐ Court Finds VOP / No VOP

Prob Rein / Mod / Term'd / Revoked / Remains Revoked / Ext to

☐ Original Terms & Conditions Except as Amended herein

☐ Co-terminous with ☐ No Further Penalties / Reviews

Other:

JAIL/PRISON ☐ See Attachm't Pg ☐ CDCR/Parole collect restit from Def's earnings ☐ Blended Sentence

County Jail

Count F/M Violation Prison Term / Yrs Enhancement / Priors Yrs / Styd / Strkn HRS / DAYS / MOS

Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Enhancement Yrs/S Total

CTS = ACT + ☐ 4019 ☐ 1/2 ☐ 1/3 ☐ PC2933.1 Total Total term ☐ CDCR / PC 1170h

☐ Straight time ☐ In Camp ☐ WWP ☐ PC1209 Fees ☐ Waived ☐ Court Rec ☐ All / Except ☐ EMP/PSP/ERP/DRP/Co Parole/NP

☐ Sent Deemed Srv'd ☐ Rpt to Parole/Prob w/in ☐ Adv/ORD ☐ Yrs/Mos Parole/MS/PRCS/Appeal ☐ Consec ☐ Conc to

☐ Bal CJ Susp ☐ All but ☐ Hrs/Days/Mos ☐ On Cond Complete Residential Treatment Prgm ☐ Serve Consec MO/TU/WE/TH/FR/SA/SU

☐ Pre-process ☐ AM/PM ☐ Stay / Surrender / Transport to ☐ @ ☐ AM/PM or Sooner

☐ REMANDED-BAIL \$ ☐ REMAIN AS SET ☐ NO BAIL ☐ COMMITTED ☒ RELEASED ☐ OR ☒ SORP ☐ JAC PHONE ASSM'T ☐ P36

☐ AS COND OF SORP ☐ BAIL INCREASED / REDUCED ☐ TO PRGM AS REC BY JAC DOC TO ARRANGE TRANSPORT UPON AVAIL BED

DISTRIBUTION: ORIGINAL FILE GREEN DOC BLUE CJA/DOC PURPLE PROBATION BROWN DEFENDANT



~~X~~ Hall of Justice
190 W. Hedding Street
San Jose, CA 95110

Terraine Courthouse
115 Terraine Street
San Jose, CA 95110

o Palo Alto Court se
270 Grant Avenue
Palo Alto, CA 94306

o South County Courthouse
301 Diana Avenue
Morgan Hill, CA 95037

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
RELEASE ON: SUPERVISED OWN RECOGNIZANCE
Section 1318 - 1320 Penal Code of the State of California

Office of Pretrial Services sccpretrial.org
2310 N. 1st Street, Suite 104, San Jose, CA 95131
Phone (408) 918-7900 Fax (408) 954-8507

THE PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS.

CEN: 16506031

DOCKET: C1432534

Valerie Houghton

DEFENDANT

CHARGES:

(1) CC 2554

(2) PC 484/487(A)x2

(3) PC 484/487(B)(3)

(4) dept 34

I, the undersigned defendant, agree to appear in the above entitled Court on April 14th at 9am am/pm and at all times and places ordered by the judge/magistrate/commissioner. I also agree that, if I fail to report to Pretrial Services as directed below or otherwise fail to comply with any conditions listed below, this court date may be set earlier than the date listed above. I also understand that a fail to comply with any conditions listed below may result in a revocation of this release order. I further promise not to depart the State of California without leave of this court or its authorized officer. If I fail to appear and am apprehended outside the State of California, I hereby waive extradition. I shall comply with the following GENERAL conditions of release as required by the Court:

- ☒ Call Pretrial Services on MON March 4 at (408) 918-7900 between the hours of 2-4:00 p.m. for officer assignment.
☐ Report in person to Pretrial Services on _____ between the hours of 2-4:00 p.m. for officer assignment.
Pretrial Services is located at 2310 N 1st Street, Suite 104, San Jose CA 95131.
- Report as required by the Office of Pretrial Services and pay any supervision fees as ordered by the Court. If I fail to report to Pretrial Services as directed, I understand that my court date may be set earlier than the court date listed above. I further understand that this release order may be revoked and a bench warrant may be issued for my arrest if I fail to appear at the new court date. I understand that Pretrial Services will use the contact information I have provided to them to notify me of the new court date.
- Remain in Santa Clara County unless granted permission to leave by the Office of Pretrial Services.
- Report any change of address, telephone, or employment status immediately to the Office of Pretrial Services. I understand that Pretrial Services will use this information to notify me of any change in my court date. Telephone Number: _____
- Not violate any State or Federal laws.

The defendant is ordered to comply with the following SPECIAL conditions of release, under the direction of the Office of Pretrial Services, as ordered by the Court:

- ☐ 6. Not use or possess any illegal drugs/alcohol.
- ☐ 7. Submit to drug/alcohol testing, and pay all fees, at the direction of Pretrial Services.
- ☐ 8. Participate in drug/alcohol/psychological counseling at the discretion of Pretrial Services.
- ☐ 9. Permit search and seizure of his/her person, residence, and vehicle by any peace officer without a search warrant.
- ☐ 10. Not operate a motor vehicle without a valid California driver's license and proof of insurance.
- ☐ 11. Not possess any weapons or ammunition while this case is pending.
- ☐ 12. Not harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy or damage personal or real property of, disturb the peace, keep under surveillance, or block the movements of the protected person(s): _____
- ☐ 13. Have no contact yourself or through another (except an attorney of record) with the protected person(s) named above except in compliance with any Superior Court orders. You shall not have any form of contact including, but not limited to, any of the following:
 - No personal, electronic, telephonic, or written contact with the protected person(s) named above.
 - Stay at least three hundred (300) yards away from the protected person(s) named above, their home, vehicle, workplace, school.
- ☒ 14. Reside at _____ unless granted permission to live elsewhere by the Court or Pretrial Services. Telephone Number: _____
- ☒ 15. surrender passports to PIS
- ☒ 16. don't engage in any real estate transactions

I understand that my failure to appear as agreed herein may result in a revocation of this release order and an issuance of a bench warrant for my arrest.

Signed this 11 day of March, 2016.
Date Month Year

Valerie Houghton
Defendant's signature

ORDER FOR RELEASE

The above-named defendant, having agreed to these release conditions and good cause being shown, it is hereby ordered that the defendant be released from custody on his/her own recognizance subject to conditions set forth above.

Dated this 11 day of March, 2016.

[Signature]
Superior Court Judge

☐ Commissioner

Pretrial Services Officer: _____ Distribution: GREEN-Court • PINK-Pretrial • GOLDENROD-Defendant • YELLOW-Booking

5A HALL OF JUSTICE
190 W. HEDDING STRE
SAN JOSE, CA 95110
TERRY NORMAN HOUGHTON
1232 NORVAL WY
SAN JOSE, CA 95125

TN 100V

pws. 1001

CASE NO. C1632534
CEN 16506036
DATE 03/11/2016 1:35 PM DEPT. 23
05/23/1954 CAE0640092 CDY BK:IN
T. OTWELL EDX452 M

CLERK T. OTWELL
HEARING ARRAIGNMENT
DV: AGENCY CN-04389-4K71 -FONG
CHILD: STATUS I-WARR-1435917

TW

JUDGE HON. SHELINA V. BROWN
REPORTER L. BILL
DEF. ATTY.
CHARGES F(001)CC25541
F(003)PC484/487(B)(3)

D.A.T. MOORE C. Huang APO
F(002)PC484/487(A)
F(004)PC484/487(A)

VIOLATION DATE
03/08/2011

NEXT APPEARANCE

4-14-16 9:00 034
☒ Defendant Present ☐ Not Present ☒ Ally Present Richard Ross ☒ PD / IDO ☒ Special App
☐ Arr'd ☒ Adv ☐ Arr Wav ☐ Amend Comp/Info ☐ Arr ☒ Plea ☐ IDC ☐ PTC ☐ Prob / Sent ☐ Interpreter ☐ Sworn
☐ PC977 ☐ Filed ☐ On File ☐ Repr. Adv / Wav ☐ Bail / OR / SORP ☐ Rect Dr Rpt ☐ FAR / ERC ☐ Bail Apply ☐ Balance Exonerated
☐ NG ☐ Entered by CRT ☐ NGBRI / Adv ☐ PSet ☐ Prelim ☐ Readiness ☐ S / B MTC ☐ Bail Exonerated ☐ Forfeited ☐ Bond #
☐ Denies Priors / Allegations / Enhancements / Refusal ☐ Further ☐ Jury ☐ CT ☐ Peo / Def Wav Jury ☐ Reassumption Filed ☐ Forfeiture Set Aside ☐ Bail Rein
☒ TW ☐ TNW ☐ TW / WD ☐ TW Sentence ☐ Ret'd ☐ Costs Within 30 Days to Court
☒ PD / IDO ☐ Con Decl ☐ Adm A / F ☐ APO / DADS / Prop 36 ☐ P36 Re-Assmt ☐ SORP / OR ☐ Revoked ☐ Reinstated ☐ May Post & Forfeit
☐ Relieved ☐ Appt'd ☐ Crim Proc Susp ☐ Rein ☐ Status Hrg ☐ BW Ordered \$ ☐ Stayed ☐ To Issue
☒ Hrg on Motion SORP ☐ Doubt Decl Pursuant PC 1368 ☐ No Cite Release / SCIT ☐ No Request ☐ Cash Only
☐ Granted ☐ Denied ☐ Submitted ☐ Off Cal ☐ Subm on Report ☐ Found ☐ BW Set Aside ☐ Recalled ☐ Filed ☐ Remain Out ☐ NWF
☐ Stip to Comm ☐ Drs. Appointed ☐ Max Term ☐ Committed ☐ Proof of
☐ Prelim Wav ☐ Certified to General Jurisdiction ☐ MDA / COM Amended to
☐ Amended to ☐ (M) VC12500(a) / VC23103(a) ☐ Pur VC23103.5 ☐ DA Stmt Filed Due to court ☐ PROP. 47

PLEA Conditions: ☐ None ☐ No State Prison ☐ PC17 after 1 Yr Prob ☐ Includes VOP

☐ Jail / Prison Term of ☐ Add to Cal ☐ Vacate pending date
☐ Dismissal / Striking ☐ Subm time of Sent ☐ Harvey Stip

☐ Adv Max Pen / Parole / Prob / Immig / Appeal ☐ Reg HS11590/PC290/PC457.1/PC186.30 ☐ FSF ☐ Fines/Fees ☐ PC29800/29805/30305/666/VC14607.8
☐ Wav Right to ☐ Counsel ☐ Court / Jury Trial ☐ Subpoena / Confront / Examine Witnesses ☐ Self-incrimination ☐ Written Waiver filed ☐ Plea / Absentia filed
☐ COP ☐ GUILTY ☐ NOLO CONTENDERE to charges & admits enhancements / allegations / priors ☐ PC17 ☐ Arbuckle ☐ Factual Basis found ☐ Findings stated
☐ Prop 36 Granted / Unamenable / Refused / Term ☐ DEJ Eligibility Filed ☐ DEJ Granted / Rein / Term Fee \$ ☐ Guilty Plea Rendered
☐ Waives Referral ☐ APO Full Rpt ☐ CR110 issued **Fines/Fees Pay to:** ☐ DOR ☐ Traffic ☐ Court ☐ Today ☐ Audit #
☐ Sent Suspended ☐ PROBATION DENIED

PROBATION ☐ Execution ☐ Imposition of sentence suspended for probation period
☐ COURT ☐ FORMAL PROBATION GRANTED for _____ Days / Mos / Yrs
☐ Report to APO within _____ Days ☐ Terminated ☐ Upon Release
☐ Perform _____ Hrs Volunteer Work as directed PO / SAP ☐ in lieu of fine/Jail
☐ Not drive w/o valid DL & Ins ☐ Adv VC23600 ☐ HTO ☐ Re-refer
☐ MOP ☐ FOP ☐ 12 hrs ☐ 3 mos ☐ 9 mos ☐ Enroll within _____ days
☐ DL Susp/ Restr'd/ Rvk'd for _____ ☐ IID Not/Ordered/ Rmv'd Term _____ Yrs
☐ No contact with victim or family / co-defts unless appr by APO ☐ PC1202.05
☐ DVPO issued / mod / term'd Exp _____ ☐ Victim Present
☐ No Contact ☐ Peaceful Contact ☐ DSA thru APO / DOR / CRT ☐ Filed
☐ Not own/possess deadly weapons ☐ Destroy/return weapon
☐ Stay away from
☐ Submit Search/Testing ☐ Educ/Voc Trng/Empl ☐ No alcohol / drugs or where sold
☐ Substance Abuse, Psych, Theft, Anger Mgmt, DV, Parenting cnsl / prgm
☐ PC296 (DNA) ☐ PC1202.1 HIV Test / Education
VOP: ☐ Wav ☐ Arr'd ☐ Admits/Denies Viol ☐ Court Finds VOP / No VOP
☐ Prob Rein / Mod / Term'd / Revoked / Remains Revoked / Ext to
☐ Original Terms & Conditions Except as Amended herein
☐ Co-terminous with ☐ No Further Penalties / Reviews
Other:

JAIL/PRISON ☐ See Attachm't Pg ☐ CDCR/Parole collect restit from Def's earnings ☐ Blended Sentence ☐ County Jail

Count	F/M	Violation	Prison Term / Yrs	Enhancement / Priors	Yrs / Styd / Strkn	HRS / DAYS / MOS

Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Total

CTS = _____ ACT + _____ ☐ 4019 ☐ 1/2 ☐ 1/3 ☐ PC2933.1 _____ Total Total term _____ CDCR / PC 1170h
☐ Straight time ☐ In Camp ☐ WWP ☐ PC1209 Fees ☐ Waived ☐ Court Rec _____ All / Except ☐ EMP/PSP/ERP/DRP/Co Parole/NP
☐ Sent Deemed Srv'd ☐ Rpt to Parole/Prob w/in _____ ☐ Adv/ORD _____ Yrs/Mos Parole/MS/PRCS/Appeal ☐ Consec ☐ Conc to
☐ Bal CJ Susp ☐ All but _____ Hrs/Days/Mos ☐ On Cond Complete Residential Treatment Prgm ☐ Seive Consec MO/TU/WE/TH/FR/SA/SU
☐ Pre-process _____ AM/PM ☐ Stay / Surrender / Transport to _____ @ _____ AM/PM or Sooner

☐ REMANDED-BAIL \$ _____ ☐ REMAIN AS SET ☐ NO BAIL ☐ COMMITTED ☒ RELEASED ☐ OR ☒ SORP ☐ JAC PHONE ASSMT ☐ P36
☐ AS COND OF SORP ☐ BAIL INCREASED / REDUCED ☐ TO PRGM AS REC BY JAC DOC TO ARRANGE TRANSPORT UPON AVAIL BED



Hall of Justice
190 W. Hedding Street
San Jose, CA 95110

Terraine Courthouse
115 Terraine Street
San Jose, CA 95110

Palo Alto Courthouse
270 Grant Avenue
Palo Alto, CA 94306

South County Courthouse
301 Diana Avenue
Morgan Hill, CA 95037

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
RELEASE ON: SUPERVISE OWN RECOGNIZANCE
Section 1318 - 1320 Penal Code of the State of California

Office of Pretrial Services sccpretrial.org
2310 N. 1st Street, Suite 104, San Jose, CA 95131
Phone (408) 918-7900 Fax (408) 954-8507

THE PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS.

CEN: 16506034

DOCKET: C1472543

Terry Houghton

DEFENDANT

CHARGES:

(1) CC 25541

(2) PC 484/487(A)

(3) PC 484/487(B)(3)

(4) R

dept 34

I, the undersigned defendant, agree to appear in the above entitled Court on April 14th, 2016 at 9am am/pm and at all times and places ordered by the judge/magistrate/commissioner. I also agree that, if I fail to report to Pretrial Services as directed below or otherwise fail to comply with any conditions listed below, this court date may be set earlier than the date listed above. I also understand that a failure to comply with any conditions listed below may result in a revocation of this release order. I further promise not to depart the State of California without leave of this court or its authorized officer. If I fail to appear and am apprehended outside the State of California, I hereby waive extradition.

I shall comply with the following **GENERAL** conditions of release as required by the Court:

1. ☐ Call Pretrial Services on MON March 14 at (408) 918-7900 between the hours of 2-4:00 p.m. for officer assignment.
- ☐ Report in person to Pretrial Services on _____ between the hours of 2-4:00 p.m. for officer assignment. Pretrial Services is located at 2310 N 1st Street, Suite 104, San Jose CA 95131.
2. Report as required by the Office of Pretrial Services and pay any supervision fees as ordered by the Court. If I fail to report to Pretrial Services as directed, I understand that my court date may be set earlier than the court date listed above. I further understand that this release order may be revoked and a bench warrant may be issued for my arrest if I fail to appear at the new court date. I understand that Pretrial Services will use the contact information I have provided to them to notify me of the new court date.
3. Remain in Santa Clara County unless granted permission to leave by the Office of Pretrial Services.
4. Report any change of address, telephone, or employment status immediately to the Office of Pretrial Services. I understand that Pretrial Services will use this information to notify me of any change in my court date. Telephone Number: _____
5. Not violate any State or Federal laws.

The defendant is ordered to comply with the following **SPECIAL** conditions of release, under the direction of the Office of Pretrial Services, as ordered by the Court:

- ☐ 6. Not use or possess any illegal drugs/alcohol.
- ☐ 7. Submit to drug/alcohol testing, and pay all fees, at the direction of Pretrial Services.
- ☐ 8. Participate in drug/alcohol/psychological counseling at the discretion of Pretrial Services.
- ☐ 9. Permit search and seizure of his/her person, residence, and vehicle by any peace officer without a search warrant.
- ☐ 10. Not operate a motor vehicle without a valid California driver's license and proof of insurance.
- ☐ 11. Not possess any weapons or ammunition while this case is pending.
- ☐ 12. Not harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy or damage personal or real property of, disturb the peace, keep under surveillance, or block the movements of the protected person(s): _____
- ☐ 13. Have no contact yourself or through another (except an attorney of record) with the protected person(s) named above except in compliance with any Superior Court orders. You shall not have any form of contact including, but not limited to, any of the following:
 - No personal, electronic, telephonic, or written contact with the protected person(s) named above.
 - Stay at least three hundred (300) yards away from the protected person(s) named above, their home, vehicle, workplace, school.
- ☐ 14. Reside at _____ unless granted permission to live elsewhere by the Court or Pretrial Services. Telephone Number: _____
- ☒ 15. Surrender passports to PIS
don't engage in any real estate transactions

I understand that my failure to appear as agreed herein may result in a revocation of this release order and an issuance of a bench warrant for my arrest.

Signed this 11 day of March, 2016.
Date Month Year

[Signature]
Defendant's signature

OR ORDER FOR RELEASE

The above-named defendant, having agreed to these release conditions and good cause being shown, it is hereby ordered that the defendant be released from custody on his/her own recognizance subject to conditions set forth above.

Dated this 11 day of March, 2016.

[Signature]
Superior Court Judge ☐ Commissioner

Pretrial Services Officer: _____ Distribution: GREEN-Court • PINK-Pretrial • GOLDENROD-Defendant • YELLOW-Booking

1 JEFF ROSEN, DISTRICT ATTORNEY
2 BAR NUMBER 163589
3 Charles Y. Huang
4 Deputy District Attorney
5 Bar Membership Number 219289
6 County Government Center, West Wing
7 70 West Hedding Street, Fourth Floor
8 San Jose, California 95110
9 Telephone Number: (408) 792-2525
10 Facsimile Number: (408) 279-8742
11 Attorneys for the People

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13
14 IN AND FOR THE COUNTY OF SANTA CLARA

15 PEOPLE OF THE STATE OF CALIFORNIA,)

16 Plaintiff,)

17 vs.)

18 TERRY NORMAN HOUGHTON)
19 (DOB 5/23/54))

20 &)

21 VALERIE RUNYAN HOUGHTON)
22 (DOB 6/5/1955))

23 Defendants)
24)
25)
26)
27)
28)

C1632534

FILED

MAR - 8 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY *B. Huerta* DEPUTY

DOCKET NO.
DA CASE NO. RF-1403-21813

DECLARATION OF
RICHARD FONG
IN SUPPORT OF PETITION FOR
TEMPORARY RESTRAINING
ORDER, PRELIMINARY
INJUNCTION, AND OTHER
PROTECTIVE RELIEF
PURSUANT
TO PENAL CODE SECTION
186.11(e)(2)

29 Personally appearing before the Court on March 4, 2016, I, RICHARD FONG, an
30 Investigator with the Santa Clara County District Attorney's Office, do on oath swear that the
31 facts expressed in this sworn declaration are true and that based thereon I have probable cause
32 to believe in this case that aggravated white collar crimes have occurred, within the meaning of
33 Penal Code section 186.11, and that the amount of restitution and fines established by this

1 section exceeds the worth of the assets subject to the temporary restraining order attached
2 hereto.

3 **DECLARATION**

4 I, Richard Fong, have been employed by the Santa Clara County District Attorney's
5 Office as a Criminal Investigator II in the County of Santa Clara, California, since June 2012. I
6 am presently assigned to the Real Estate Fraud Unit and prior to the District Attorney's Office, I
7 was employed by the San Jose Police Department for approximately twenty-six (26) years as a
8 peace officer. During my employment with the San Jose Police Department, I worked as a
9 supervisor in the Financial Crimes / Burglary Unit where I conducted Financial and Property
10 Crimes investigations. I personally participated in more than fifty (50) fraud/forgery, property
11 theft, and identity theft investigations that involved counterfeit checks, forged checks, forged
12 documents, and the passing of fraudulent checks.
13

14 During my twenty-nine (29) years as a Peace Officer, I have attended the following
15 courses applicable to investigating and solving crimes including frauds, forgeries, and identity
16 thefts:
17

- 18 1. Basic Police Academy (22 weeks).
- 19 2. San Jose Police Department Night Detective Academy (1 week).
- 20 3. Department of Justice, Institute of Criminal Investigation, Identity Theft Investigation Course
21 (1 week).
- 22 4. San Jose Police Department Narcotics Enforcement Academy (3 weeks)
- 23 5. University of Las Vegas, Law Enforcement and Criminal Activity (20 hours).
- 24
- 25
- 26
- 27
- 28

1 Additionally, I have participated in more than fifty (50) arrests for frauds and/or passing
2 fraudulent checks, making of fraudulent checks and identity theft during the course of my
3 employment with the San Jose Police Department and Santa Clara County District Attorney's
4 Office. In these investigations, I have interviewed the arrested parties to elicit information
5 regarding the methodology in which the crimes were committed and through those interviews, I
6 gained pertinent knowledge as to the mode and manner in which fraudulent documents are made
7 and used as well as how false impersonation of another is perpetrated.
8

9 I have received informal, in-field training, by working with senior officers and
10 investigators. I have interviewed numerous individuals suspected of fraud/identity theft as to
11 their motives and methodologies. I have been the affiant in several search warrants and was
12 present when they were served. In addition, I have participated with the execution of over fifty
13 (50) search warrants authored by other affiants.
14

15 In a felony complaint filed on March 4, 2016, the defendants are charged with felony
16 violations of the Corporations Code § 25541 (Securities Fraud), Penal Code § 484-487(a)
17 (Grand Theft by False Pretenses); Penal Code § 484-487(b)(3) (Grand Theft by Agent); Penal
18 Code § 186.11(a)(2) (Aggravated White Collar Crime Enhancement: Loss in Excess of
19 \$500,000); & Penal Code § 12022.6(a)(3) (Excessive taking, over \$1.3 million).
20

21 The offenses were committed from January 1, 2011 through December 31, 2013. The
22 crimes involve separate victims within Santa Clara County. The four-year Statute of
23 Limitations does not begin to run until the discovery (or reasonable discovery) of the offense if
24 a material element involves fraud or breach of fiduciary obligation as in the instant case. See
25 California Penal Code §803.
26
27
28

1 I have been advised by the prosecutor, Deputy District Attorney Charles Huang, that
2 the allegation pursuant to Penal Code section 186.11 permits the Court to preserve any asset or
3 property that is in a defendant's control until the conclusion of the criminal prosecution. Upon
4 the defendant's conviction of two or more felonies as specified in Section 186.11(a), the Court
5 may then levy upon these assets to pay restitution and fines imposed pursuant to Section
6 186.11(c). In order to preserve the defendant's assets, the Court is statutorily authorized to
7 issue a temporary restraining order ex-parte upon application of the prosecuting attorney
8 supported by the sworn declaration of a peace officer with personal knowledge of the criminal
9 investigation. The sworn declaration must establish probable cause to believe that (1) the
10 defendant has committed aggravated white collar crime and (2) the amount of restitution and
11 fines established by this section exceeds or equals the worth of the assets subject to the
12 temporary restraining order.
13
14
15

16 **A. PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANTS**
17 **COMMITTED AGGAVATED WHITE COLLAR CRIME**

18 Summary: I am currently investigating a series of related thefts perpetrated by the
19 suspects, Terry and Valerie Houghton, who, managed a real estate investment partnership,
20 Metaview LP. Metaview LLC was designated as general partner for the LP. 80% interest of the
21 LLC was owned by Terry and Valerie Houghton, the defendants. By his own admission, Terry
22 Houghton, was the general partner for both Metaview LP and Metaview LLC. He was
23 responsible for all the day to day management of both entities.
24

25 Metaview LP was created in 2008 to take advantage of distressed properties, primary in
26 Santa Clara County. For the most part, Metaview LP, bought the distressed properties at
27 foreclosure auctions, rehabilitated them and sold them for a profit.
28

1 Metaview LP, started with approximately six investors and \$600,000 as a modest
2 business. In 2010, Victim, Clyde Berg, invested \$2 million in November of 2009 and another \$1
3 million in January of 2011. According to home sales records and witness statements,
4 approximately, 20 out of 22 property investments returned a profit. At one point, Metaview LP,
5 had over \$7 million dollars in assets and investments. Since 2011, Defendant Terry Houghton,
6 never provided any accounting records, such as profit and losses statements for any property
7 owned by the partnership to the other investors. In 2013, Defendant, Terry Houghton, informed
8 the silent partners that the partnership was bankrupt and he suspected the contractor, Mitchell
9 Development, embezzled all of the partnerships funds.
10

11
12 Based on the investigation conducted by myself, D.A. Investigators, Tom Newland and
13 Kirk Wilson, as well as, Forensic Accountant, Taver Chong, I learned that the Defendants Terry
14 and Valerie Houghton, withdrew money from Metaview LP and put it into Valerie Houghton's
15 retirement account (Counselors & Consultants) in excess of \$500,000 (based on the partnership's
16 tax returns). The defendants also used the Metaview LP account to pay for their personal
17 expenses from the Metaview LP's American Express account. The charges included their
18 daughter's college education expenses at Arizona State and her Porsche car payments along with
19 vacations around the world and stays at the Ritz Carlton and seat licenses to Levis Stadium,
20 jewelry & clothing. The expenses from the unauthorized American Express charges total over
21 \$400,000. Additionally, the defendants also deposited the partnerships money directly into their
22 own bank accounts.
23
24

25 Furthermore, evidence also showed that in several instances, the defendants would
26 withdraw money from the Metaview LP account and deposit it directly into the LLC account or
27
28

1 purchased property from the partnerships funds and put the title of the properties into Metaview
2 LLC.

3 In addition to embezzling funds from the Metaview LP, the defendant also defrauded
4 Sully & Adrienne McGrath when he violated the anti-compete clause of the partnership
5 agreement and engaged in another real estate deal known as the Kennedy Road projects.
6 Kennedy Road was a joint venture between the McGraths' and Houghtons' where they
7 purchased a piece of property on Kennedy Road in Los Gatos and planned to divide the lot in
8 two and build 2 new homes. The Houghton's and McGraths took out a loan with Boston Private
9 Bank for \$1.2 million to finance the construction for the project. The Houghtons' withdrew
10 \$160,000 from that loan and deposited approximately \$135,000 into their own account without
11 the knowledge and consent of the McGraths.
12
13

14 **B. PROBABLE CAUSE TO BELIEVE THE PROPERTY DESCRIBED**
15 **BELOW IS UNDER THE POSSESSION & CONTROL OF TERRY AND**
16 **VALERIE HOUGHTON**

17 In addition to having their names of the defendants and their entities on each of these
18 accounts, based on my investigation, my review of the other DA investigators investigation,
19 the forensic accounting report prepared by Forensic Accountant, Taver Chong, the execution of
20 search warrants, witness statements, the defendants own admissions, and a review of both
21 defendant's deposition transcripts, I believe the defendants are in control, or have access to the
22 accounts and/or properties listed below:
23

- 24 1. American Express Account Number: 3774-724741-81001 Metaview Wholesale Terry
25 Houghton, with other cards held
- 26 2. American Express Account Number: 3774-724741-8019 (Metaview LP – Sully McGrath
27 & Juan Macias)
28

3. American Express Account Number: 3783-411503-25001 (Counselors & Cnsltnts, Terry Houghton with another card also held by Valerie Houghton (3783-411503-26017).
4. American Express Account Number: ending in 3715-564704-21001 Metaview Wholesale LP Terry Houghton, with another card also held by Valerie Houghton (3-26017).
5. American Express Account Number: 3728-292809-85004 Terry Houghton, with cards also held by Valerie Houghton (3728-292809-82019) and Hilary Houghton (378-292809-81037).
6. Wells Fargo Account Number: 63759772384 (Metaview Wholesale Investments, LP, Account, which includes Weekend Sweep #3418621888.)
7. WellsFargo Account Number: 2962154973 (Terry Houghton and Valerie R Houghton DBA Terry & Valerie Houghton. WG Projects.)
8. Wells Fargo Account Number: 81381428 (Terry Houghton and Valerie R Houghton, personal account.)
9. Wells Fargo Account Number: 506077676 (Counselors and Consultants Inc.)
10. First Republic Bank Account Number: 800-0126-8060 (Terry N. Houghton or Adrienne McGrath or Sully McGrath or Valerie R. Houghton.)
11. Wells Fargo Account Number: 3906175538 (Bella Porte)
12. Wells Fargo 6375972376 (Metaview LLC)
13. Citi Credit Card Account Number: 6035322138475938 (Terry Houghton)
14. Wells Fargo Line of Credit Account Number: 6501644186. (Terry & Valerie Houghton)
15. Title to any property held in Houghton Family Trust created 11/28/2006.
16. 1232 Norval Way, San Jose CA, 95125 (Held in the Houghton Family Trust dated 11/28/06)

C. **PROBABLE CAUSE TO BELIEVE THAT THE AMOUNT OF
RESTITUTION AND FINES EXCEEDS THE VALUE OF THE ASSETS
LISTED HEREIN**

The loss of money and value of property resulting from the defendant's acts alleged as in the criminal complaint is over \$1,400,000. Penal Code section 186.11 authorizes imposition

1 of a fine for twice the amount of the loss. Thus, the total amount of restitution and fines that
2 could be awarded is \$2,800,000.

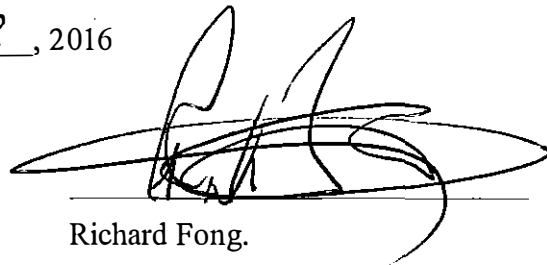
3
4 Given the passage of time, the likelihood that the defendants have spent much of the
5 money as evidenced by their credit card spending, it is highly unlikely that the total amount of
6 money to be recovered through the property to be seized will exceed the total amount which
7 could be imposed in restitution and fines pursuant to Penal Code §186.11: or \$2,800,000.
8

9 **D. THE ASSETS WILL BE DISSIPATED OR SECRETED WITHOUT COURT**
10 **ACTION**

11 I believe that the above-listed properties are in danger of being dissipated or secreted,
12 within the meaning of Penal Code section 186.11(e)(2) if it is allowed to be sold to one of the
13 defendants' confederates, family members, or other persons closely aligned with them. My
14 belief is based on the fraudulent nature of his operation, the seriousness of the crimes, and the
15 prison exposure in this case. I further believe that much of the money from the defendants
16 fraudulent activities have been moved and hidden in secret accounts since much of the money
17 from the partnerships investments have yet to be discovered.
18

19
20 I declare under penalty of perjury that the aforementioned information is true and
21 correct to the best of my knowledge.

22 Executed in San Jose, California on March 8, 2016

23
24
25
26 
Richard Fong.

27 D.A. Investigator
28

1 JEFF ROSEN, DISTRICT ATTORNEY
2 BAR NUMBER 163589
3 Charles Y. Huang, Deputy District Attorney
4 Bar Membership Number 219289
5 County Government Center, West Wing
6 70 West Hedding Street, Fourth Floor
7 San Jose, California 95110
8 Telephone Number: (408) 792-2525
9 Facsimile Number: (408) 279-8742
10 Attorneys for the People

FILED

MAR - 8 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY B. Huerta DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SANTA CLARA

11 PEOPLE OF THE STATE OF CALIFORNIA,)

12 Plaintiff,)

13 vs.)

14 TERRY NORMAN HOUGHTON)
15 (DOB 5/23/1954))

16 &)

17 VALERIE RUNYAN HOUGHTON,)
18 (DOB 6/5/1955))

19 Defendants)
20 _____)

DOCKET NO. C1632534
DA CASE NO. RF-1403-21813

PETITION FOR TEMPORARY
RESTRAINING ORDER,
PRELIMINARY INJUNCTION,
AND OTHER PROTECTIVE
RELIF PURSUANT TO PENAL
CODE SECTION 186.11(e)(2)

21 Comes now the plaintiff, the People of the State of California, by and through its
22 attorney, Charles Y. Huang, Deputy District Attorney, who respectfully submits the following
23 Petition For Temporary Restraining Order and Preliminary Injunction and Other Protective
24 Relief, necessary to preserve defendants' property and assets pursuant to Penal Code section
25 186.11(e)(2).
26
27
28

Criminal Complaint

In a felony complaint filed on March 4, 2016, the defendant was charged with felony counts for violations of California Corporations Code 25541 (Securities Fraud), California Penal Code § 484-487(a) (Grand Theft by False Pretenses); California Penal Code § 484-487(b)(3) (Grand Theft by Employee); California Penal Code § 186.11(a)(2) (Aggravated White Collar Crime Enhancement: Loss in Excess of \$500,000); California Penal Code § 12022.6(a)(3) (Excessive Taking: over \$1.3 million)

The offenses were committed around and between January 1, 2011 through December 31, 2013, involving separate victims within Santa Clara County. The four-year Statute of Limitations does not commence to run until the discovery or reasonable discovery of the offense if a material element involves fraud or breach of fiduciary obligation as in the instant case. See California Penal Code §803.

Request For Temporary Restraining Order

Penal Code section 186.11 authorizes the Court to make orders to preserve any asset or property that is in a defendant's control until the conclusion of the criminal prosecution. Upon the defendant's conviction of two or more felonies as specified in Penal Code section 186.11(a), the Court may then levy upon these assets to pay restitution and fines imposed pursuant to Penal Code section 186.11(c).

Although the Court may not issue a preliminary injunction without notice and a hearing, **the Court is authorized to issue a temporary restraining order ex parte** upon application of the prosecuting attorney supported by the sworn declaration of a peace officer with personal knowledge of the criminal investigation. (Penal Code section 186.11(g)(1)). The sworn declaration must establish probable cause to believe that (1) the defendant has committed

1 aggravated white collar crime and (2) the amount of restitution and fines established by this
2 section exceeds or equals the worth of the assets subject to the temporary restraining order. The
3 declaration may include the hearsay statements of witnesses to establish the necessary facts. The
4 temporary restraining order may be issued without notice upon a showing of good cause to the
5 Court. (Ibid.)

7 The declaration of District Attorney Investigator Richard Fong filed with this petition
8 along with the Forensic Audit Report performed by Forensic Accountant, Taver Chong, provides
9 probable cause to believe that the defendants are guilty of the crimes and allegations charged in
10 the criminal complaint.

12 According to the declaration of Investigator Fong, and Forensic Account Chong, the loss
13 resulting to the victims in the complaint is in excess of \$1,400,000. Because Penal Code section
14 186.11 authorizes a fine of up to twice the amount of the loss, the total amount of restitution and
15 fine that the defendants may be ordered to pay is over \$2,800,000. There is probable cause to
16 believe that the value of the listed assets does not exceed that amount of restitution and fines
17 permitted by Penal Code section 186.11.

19 In his declaration, Investigator Fong also articulates his belief that the listed assets will be
20 secreted or dissipated unless the Court issues the requested temporary restraining order.

22 Prayer

23 Based on the criminal complaint, this petition, and the declaration of Investigator Fong,
24 the People of the State of California do hereby request that the Court issue such protective relief
25 as necessary to preserve the defendants' property and assets. Initially, the People request
26 immediate issuance of a temporary restraining order containing the following orders:
27
28

1 A. All persons claiming an interest in the above property must first file a
2 verified claim with this Court stating the nature and amount of their claimed
3 interest within thirty (30) days from the date of the first publication of the
4 notice of the petition or within thirty (30) days after receipt of actual notice. A
5 verified copy of the claim shall be served on the District Attorney at 70 West
6 Hedding Street, San Jose, California 95110; Attn: Victor Chen.
7

8
9
10 B. Temporary Restraining Order:

11 Defendants and their representatives, employees, agents, officers and all other
12 persons, corporations, or other entities acting in concert or participating with
13 said defendants are enjoined and restrained from engaging, directly or
14 indirectly, in any of the following acts or practices:
15

- 16 • Transferring, encumbering, hypothecating, or otherwise disposing of
17 the above-described property.
18

19 C. It is further ordered that a notice regarding this petition shall be
20 provided, by personal service or registered mail, to every person who may
21 have an interest in the property specified in the petition. Additionally, the
22 notice shall be published for at least three consecutive weeks in a newspaper
23 of general circulation in the county where the property affected by this order
24 is located.
25
26
27
28

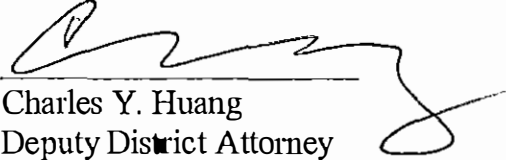
1 D. The defendants and any other person with an interest in the property or
2 assets specified herein shall show cause why a preliminary injunction
3 should not issue by filing a verified claim with the Court and serving a
4 verified copy of the claim on the District Attorney (Charles Huang,
5 Deputy District Attorney) as provided in Penal Code section 186.11(e)(6).
6

7 **Request For A Preliminary Injunction**

8 Whether or not the Court issues the requested temporary restraining order, the People
9 request that the Court issue a preliminary injunction containing the same orders listed above.
10 The People stand ready to prove at a noticed hearing that the prosecution is likely to prevail on
11 the merits and that the risk of the dissipation of the assets outweighs the potential harm to the
12 defendant and the interested parties.
13

14 Dated: March ____, 2016
15

16 Respectfully submitted,

17 
18 Charles Y. Huang
19 Deputy District Attorney
20
21
22
23
24
25
26
27
28

1 JEFF ROSEN, DISTRICT ATTORNEY
2 BAR NUMBER 163589
3 Charles Y. Huang,
4 Deputy District Attorney
5 State Bar Number 219289
6 County Government Center, West Wing
7 70 West Hedding Street, Fourth Floor
8 San Jose, California 95110
9 Telephone Number: (408) 792-2525
10 Facsimile Number: (408) 279-8742
11 Attorneys for the People

FILED

MAR - 8 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY B. Huerta DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SANTA CLARA

10 PEOPLE OF THE STATE OF CALIFORNIA,)

11)
12 Plaintiff,)

13 vs.)

14)
15 TERRY NORMAN HOUGHTON)
16 (DOB 5/23/54))

17 &)

18 VALERIE RUNYAN HOUGHTON)
19 (DOB 6/5/1955))

20 Defendants)
21)
22)

DOCKET NO. C1632534
DA CASE NO. RF-1403-21813

ORDER TO SHOW CAUSE
& TEMPORARY RESTRAINING
ORDER
(PENAL CODE
SECTION 186.11)

23 **ORDER TO SHOW CAUSE & TEMPORARY RESTRAINING ORDER**

24 After considering the attached and incorporated Petition for Temporary Restraining Order
25 by Deputy District Attorney Charles Huang and the accompanying Declaration of **Richard Fong**
26 filed by the Santa Clara County District Attorney pursuant to Penal Code section 186.11(e)(2),
27
28

1 the Court finds that this is a proper case for issuance of a Temporary Restraining Order and
2 Order to Show Cause.
3

4
5 **IT IS THEREFORE ORDERED THAT:**

6 A. Defendants and their representatives, employees, agents, officers and all
7 other persons, corporations, or other entities acting in concert or
8 participating with said defendants are enjoined and restrained from
9 engaging, directly or indirectly, in any of the follow acts or practices:
10

- 11 • Transferring, encumbering, hypothecating, or otherwise disposing of
12 the property described below:

- 13 1. American Express Account Number: 3774-724741-81001 Metaview Wholesale
14 Terry Houghton, with other cards held
- 15 2. American Express Account Number: 3774-724741-8019 (Metaview LP – Sully
16 McGrath & Juan Macias)
- 17 3. American Express Account Number ending in: 3783-411503-25001 (Counselors
18 & Cnsltnts, Terry Houghton with another card also held by Valerie Houghton
19 (3783-411503-26017).
- 20 4. American Express Account Number: 3715-564704-21001 Metaview Wholesale
21 Terry Houghton, with another card also held by Valerie Houghton (3-26017).
- 22 5. American Express Account Number: 3728-292809-85004 Terry Houghton, with
23 cards also held by Valerie Houghton (3728-292809-82019) and Hilary Houghton
24 (3728-292809-81037).
- 25 6. Wells Fargo Account Number: 63759772384 (Metaview Wholesale Investments,
26 LP, Operating Account, which includes Weekend Sweep #3418621888.)
- 27 7. WellsFargo Account Number: 2962154973 (Terry Houghton and Valerie R
28 Houghton DBA Terry & Valerie Houghton. WG Projects.)
8. Wells Fargo Account Number: 81381428 (Terry Houghton and Valerie R
Houghton, personal account.)

1 9. Wells Fargo Account Number: 506077676 (Counselors and Consultants Inc.)

2 10. First Republic Bank Account Number: 800-0126-8060 (Terry N. Houghton or
3 Adrienne McGrath or Sully McGrath or Valerie R. Houghton.)

4 11. Wells Fargo Account: 3906175538 (Bella Porte)

5 12. Wells Fargo 6375972376 (Metaview LLC)

6 13. Citi Credit Card Account Number: 6035322138475938 (Terry Houghton)

7 14. Wells Fargo Line of Credit Account Number: 6501644186. (Terry & Valerie
8 Houghton)

9 15. Title to any property held in Houghton Family Trust created 11/28/2006.

10 16. 1232 Norval Way, San Jose CA, 95125 (Held in the Houghton Family Trust dated
11 11/28/06).

12
13
14 **B.** The Santa Clara County Office of the District Attorney shall serve notice
15 by providing a copy of the Order to Show Cause/Temporary Restraining
16 Order by personal service or registered mail on all persons known to the
17 District Attorney to have an interest in the property specified herein.
18

19
20 **C.** Additionally, this notice shall be published for at least three consecutive
21 weeks in a newspaper of general circulation in the county where the
22 property affected by this order is located.
23

24
25 **D.** The notice shall state that any interested person may file a verified claim
26 with the superior court stating the nature and amount of their claimed
27
28

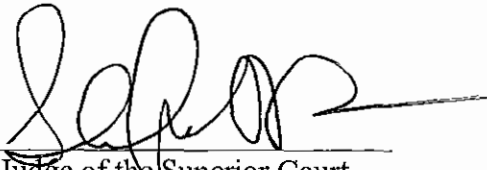
1 interest. The notice shall set forth the time within which a claim of
2 interest in the protected property is required to be filed.
3

4
5 E. The defendants and any other person with an interest in the property or
6 assets specified herein shall show cause why a preliminary injunction
7 should not issue by filing a verified claim with the Court and serving a
8 verified copy of the claim on the District Attorney (Charles Huang,
9 Deputy District Attorney) as provided in Penal Code section 186.11(e)(6).
10

11
12 **IT IS SO ORDERED.**

13
14 Dated: March 8, 2016




Judge of the Superior Court
County of Santa Clara
Shelyna V. Brown

JEFFREY F. ROSEN
State Bar No.163589
DISTRICT ATTORNEY
Charles Y. Huang
Deputy District Attorney
State Bar Number 219289
COUNTY GOVERNMENT CENTER, WEST WING
70 West Hedding Street
San Jose, California 95110
Telephone: 792-2525

Attorneys for the People

FILED

MAR - 8 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court, CA County of Santa Clara
BY B. Huentel DEPUTY

SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
SAN JOSE FACILITY

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

vs.)

TERRY NORMAN HOUGHTON,
(DOB: 5/23/64)

&,)

VALERIE RUNYAN HOUGHTON,
(DOB: 6/5/1955)

Defendants.)

Docket No.: C1632534

CEN: _____

CEN: _____

DA Case No. RF-1403-21813

ORDER TO EXAMINE
SOURCE OF BAIL
PURSUANT TO PENAL CODE
SECTION 1275.1

FOR GOOD CAUSE SHOWN, in the event bail is tendered in the above entitled case for either
of the above named defendants, Santa Clara County Department of Correction shall bring the
appropriate defendant and the proffered bail to the judge or magistrate for hearing.

DATE: 3/8/16

SO ORDERED,



Shelyna V. Brown
Judge of the Superior Court
Shelyna V. Brown

1 JEFF ROSEN, DISTRICT ATTORNEY
BAR NUMBER 163589
2 Charles Y. Huang
Deputy District Attorney
3 State Bar Number 219289
70 West Hedding Street,
4 San Jose, California 95110
Telephone Number: (408) 792-2525
5 Facsimile Number: (408) 279-8742
Attorneys for the People

FILED

MAR - 8 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY B. Huerta DEPUTY

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 SANTA CLARA COUNTY

8 PEOPLE OF THE STATE OF CALIFORNIA,
9 Plaintiff,

Case No. C1632534
DA Case No. RF-1403-21813

10 vs.

11 TERRY NORMAN HOUGHTON,
(DOB: 5/23/64)

12 **REQUEST FOR HIGH BAIL; and**
REQUEST TO EXAMINE SOURCE OF
BAIL with SUPPORTING
DECLARATION & PROPOSED ORDER

13 &

14 VALERIE RUNYAN HOUGHTON,
(DOB: 6/5/1955)

Defendants.

15 **FACTS**

16 This request and argument is based on the facts as described in the police report filed in
17 support of the arrest warrant, and the following declaration. To set the amount and conditions
18 of bail, the facts are presumed to be true. (*Bell v. Wolfish* (1979) 441 U.S. 520, 533; *In re York*
19 *et al* (1995) 9 Cal. 4th 1133, 1147-1149; *Ex Parte Ryan* (1872) 44 Cal. 555).

DECLARATION IN SUPPORT OF REQUEST TO EXAMINE SOURCE OF BAIL

I, Charles Huang, declare the following under penalty of perjury:

1. I am the Deputy District Attorney handling this case. I am familiar with the facts as described in the police report filed in support of the arrest warrant. I have reviewed in detail the bank records, other documents and the forensic accounting obtained during the investigation.
2. The defendants are charged with FELONY COUNTS OF SECURITIES FRAUD, GRAND THEFT and GRAND THEFT BY AN AGENT.
3. Defendants defrauded the victims of at least \$1.4 million that is accounted for thus far while operating a real estate scam.
4. I have also personally spoken with District Attorney Investigator, Richard Fong, about other details of his ongoing investigation.
5. Based on the state of the current investigation, it appears Defendant Terry Houghton is employed as a real estate agent with Intero Realty and Defendant Valerie Houghton works as a licensed therapist.
6. The money stolen from the victims in this case have not yet been recovered.
7. Based on the investigation and evidence, the defendants do not have sufficient legitimate income to post bail at the requested amount of \$1.4 mil per person.
8. In combination, the above evidence causes me to question if bail can be posted solely with legitimately obtained funds.

The countywide bail schedule shall contain a list of the offenses and the amounts of bail applicable for each as the judges determine to be appropriate (Penal Code section 1269b(f)). The Santa Clara County Superior Court Bail Schedule states that the bail for any charge that includes Penal Code 12022.6 enhancement is the amount that is alleged. The amount alleged in this particular case is \$1,435,917. Bail should be set at no less than \$1,435,917, the amount alleged in the loss.

On November 4, 2008, the voters of the State of California approved Proposition 9, the Victims' Bill of Rights Act known as Marsy's Law, a measure to provide all victims with rights and due process. One of its provisions amended California Constitution, Article I, Section 28 (f)(3), "Public Safety Bail," to read:

A person may be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required. In setting, reducing or denying bail, the judge or magistrate shall take into consideration the protection of the public, the safety of the victim, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case. Public safety and the safety of the victim shall be the primary considerations.

Further, Penal Code § 1275 (a) reiterates that:

In setting, reducing, or denying bail, the judge or magistrate shall take into consideration the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at trial or hearing of the case. The public safety shall be the primary consideration.

Pursuant to Marsy's Law and Penal Code section 1275, the central focus of the court in setting bail is considering the safety to the community and securing the defendant's appearance in court.

//

//

1 A. High Bail Must be Set Because the Defendants are a Danger to the Community

2 In the present case, the defendant engaged in a very sophisticated real estate scheme that
3 defrauded multiple victims of at least \$1.4 million dollars. If high bail is not set, the
4 defendants will continue to defraud the community in violation of Marsy's Law and Penal
5 Code section 1275.

6 B. High Bail Must be Set Because The Defendants are Flight Risks

7 The defendants are flight risks based on the amount of money they have in their
8 possession from defrauding the unsuspecting investors. Although they have ties to Santa Clara
9 County, they can establish new ties and plant new roots in any other community with the
10 money they stole from the victims. Given the availability of the defendants disposable funds
11 from their illegal activities, bail must be set high.

12 The defendants are both a danger to the community and a flight risk, I therefore
13 respectfully, I ask this Court to set bail at a minimum of \$1.4 mil for each defendant.

14 **II. REQUEST TO EXAMINE SOURCE OF BAIL:**

15 Pursuant to P.C. § 1275.1 and based on the declaration above, the *People* request that the
16 court place a hold on the defendant until and unless any source of bail is examined and
17 determined to be completely untainted.

18 "Bail, pursuant to this chapter, ***shall not be accepted*** unless a judge or magistrate finds
19 that ***no portion*** of the consideration, pledge, security, deposit, or indemnification paid, given,
20 made, or promised for its execution was feloniously obtained." (P.C. § 1275.1(a), emphasis
21 added.)

22 A hold on the release of a defendant from custody should be ordered if a peace officer or
23 prosecutor files a declaration executed under penalty of perjury setting forth probable cause to

1 believe that the source of bail was feloniously obtained. (P.C. § 1275.1(b).) Once a judge or
2 magistrate has determined that probable cause exists, the defendant bears the burden by a
3 preponderance of the evidence to show that *no part* of any bail was obtained by felonious means.
4 If the defendant does so, then the “hold previously ordered” shall be released. (P.C. § 1275.1(c).)

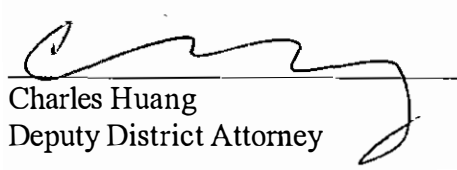
5 The mere proffering of a surety bond in the amount set at bail does not deprive the court
6 of its right to inquire into areas which might bear on whether the defendant will make future
7 court appearances if released on the bond. The court has the right and the duty to satisfy itself
8 that there is more than just a financial assurance that a bailed defendant will appear in court
9 when required. (*United States v. Ellis DeMarchina* (1971) 330 F.Supp. 1223, 1226.)

10 The source of the security providing the collateral for the bond can provide valuable
11 information regarding the motivation for a defendant to appear. If the bond were secured by the
12 property of the defendant’s relatives, or close friends, the court could, logically, conclude that the
13 possibility of financial harm to those individuals might motivate the defendant to appear. On the
14 other hand, if the security comes from an illegitimate source there is little to compel a defendant
15 to reappear. (*Id.*, at 1226.)

16
17 Dated: March 8, 2016

Respectfully Submitted,
Jeffrey F. Rosen, District Attorney

18
19
20 By:


Charles Huang
Deputy District Attorney



OFFICE OF THE DISTRICT ATTORNEY
Bureau of Investigation
INCIDENT REPORT
70 West Hedding Street, West Wing, San Jose, California 95110
Business: (408) 792-2888

☐ ON-VIEW
☐ BOOKING
☐ CITE & RELEASE

BOI CASE NUMBER
BI-140507858

Type of Force: ☐ HANDS/FEET ☐ KNIFE
☐ FIREARM ☐ OTHER

REPORT TYPE
Embezzlement / Securities Fraud

OCCURRED DATE TIME DAY

ON OR FROM 03/01/2012

LOCATION OF EVENT
Santa Clara County

TO 03/01/2013

REPORTED 04/15/2014

"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER

WELFARE <input type="checkbox"/>	V LAST, FIRST MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA Metaview Wholesale Investments LLP	RACE <input type="checkbox"/> M <input type="checkbox"/> F	DOB	AGE	HT	WT
CHECKS <input type="checkbox"/>	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE HOME ADDRESS CITY/STATE ZIP PHONE OL NUMBER STATE	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____				
FRAUD <input checked="" type="checkbox"/>	BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN					
HI TECH <input type="checkbox"/>	V LAST, FIRST MIDDLE (FIRM, IF BUSINESS) Berg, Clyde	RACE <input checked="" type="checkbox"/> M <input type="checkbox"/> F	DOB	AGE	HT	WT
FAMILY SUPPORT <input type="checkbox"/>	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE HOME ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____				
CHILD ABDUCTION <input type="checkbox"/>	BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN					
SEXUAL ASSAULT <input type="checkbox"/>	R LAST, FIRST MIDDLE (FIRM, IF BUSINESS) Comes, Robert	RACE <input type="checkbox"/> M <input checked="" type="checkbox"/> F	DOB	AGE	HT	WT
CONSUMER PROTECTION <input type="checkbox"/>	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE HOME ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____				
DOMESTIC VIOLENCE <input type="checkbox"/>	BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN					
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH						

SYNOPSIS

Refer to supplementary reports for details.

ELDER FRAUD ☐
GOVERNMENT ☐
261.5 PC ☐
ENVIRONMENT ☐
REAL ESTATE FRAUD ☐
INSURANCE FRAUD ☐
SCENE PHOTOS ☐
LATENT PRINTS ☐
EVIDENCE ☐
DIAGRAM ☐

ASSOCIATED CASE NUMBERS:

OFFICER'S NAME
Fong

ID NUMBER
71

DATE

REVIEWED BY

ID NUMBER

DATE

PAGE
1 of 3

REPORT TYPE Embezzlement/ Securities Fraud		<input type="checkbox"/> SUPPLEMENTAL		OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation SUSPECT PAGE		BOI CASE NUMBER BI-140507858							
<input type="checkbox"/> BOOKED <input type="checkbox"/> CITED <input type="checkbox"/> 849(b) PC <input checked="" type="checkbox"/> COMPLAINT REVIEW <input type="checkbox"/> INFO ONLY <input type="checkbox"/> AT LARGE <input type="checkbox"/> VMC <input type="checkbox"/> SEEJCR													
S#1		LAST, FIRST, MIDDLE Houghton, Terry		RACE W	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	DOB 05/23/1954	AGE HT WT HAIR EYES						
AKA / MONIKER				RELATIONSHIP TO VICTIM Business Partner		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____							
HOME ADDRESS 1232 Norval Way				CITY/STATE San Jose, CA		ZIP 95125	PHONE 408-893-6678 PFN						
BUSINESS NAME/SCHOOL NAME AND ADDRESS				CITY/STATE		ZIP	PHONE PHOTO ID#						
DL NUMBER E0640092		STATE CA	SSN [REDACTED]	CITE#		CEN							
CLOTHING						UNIQUE IDENTIFIERS (CII#)							
HAIR STYLE <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONYTAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES		HAIR TYPE <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE SPEECH <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT		FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDEBURNS <input type="checkbox"/> UNSHAVEN CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK		BUILD <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER		COMPLEXION <input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> OAK <input type="checkbox"/> FRECKLED <input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> ADDITIONAL SEE NARRATIVE		WEAPONS <input type="checkbox"/> CUTTING INST. <input type="checkbox"/> HANDS/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMIAUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER: <input type="checkbox"/> ADDITIONAL SEE NARRATIVE		SCARS, MARKS, TATTOOS, ETC. CODE: LOC: DESC: <input type="checkbox"/> ADDITIONAL, SEE NARRATIVE CODE: S=SCARS M=MARKS P=PIERCING T=TATTOO MB=MISSING BODY PARTS UNDER THE INFLUENCE <input type="checkbox"/> ALCOHOL <input type="checkbox"/> STIMULANT (COCAINE, METH, ETC.) <input type="checkbox"/> DEPRESSANT (HEROIN, ETC.) <input type="checkbox"/> OTHER:	
<input type="checkbox"/> BOOKED <input type="checkbox"/> CITED <input type="checkbox"/> 849(b) PC <input type="checkbox"/> COMPLAINT REVIEW <input type="checkbox"/> INFO ONLY <input type="checkbox"/> AT LARGE <input type="checkbox"/> VMC <input type="checkbox"/> SEE JCR													
S#2		LAST, FIRST, MIDDLE Houghton, Valerie		RACE W	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	DOB 06/05/1955	AGE HT WT HAIR EYES						
AKA / MONIKER				RELATIONSHIP TO VICTIM Business Partner		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____							
HOME ADDRESS 1232 Norval Way				CITY/STATE San Jose, CA		ZIP 95125	PHONE PFN						
BUSINESS NAME/SCHOOL NAME AND ADDRESS 1190 S. Bascom Ave. #138				CITY/STATE San Jose, CA		ZIP 95128	PHONE 408-293-5853 PHOTO ID#						
DL NUMBER		STATE	SSN [REDACTED]	CITE#		CEN							
CLOTHING						UNIQUE IDENTIFIERS (CII#)							
HAIR STYLE <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONYTAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES		HAIR TYPE <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE SPEECH <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT		FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK		BUILD <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POTBELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER		COMPLEXION <input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> DARK <input type="checkbox"/> FRECKLED <input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> ADDITIONAL SEE NARRATIVE		WEAPONS <input type="checkbox"/> CUTTING INST. <input type="checkbox"/> HANDS/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMIAUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER: <input type="checkbox"/> ADDITIONAL SEE NARRATIVE		SCARS, MARKS, TATTOOS, ETC. CODE: LOC: DESC: <input type="checkbox"/> ADDITIONAL, SEE NARRATIVE CODE: S=SCARS M=MARKS P=PIERCING T=TATTOO MB=MISSING BODY PARTS UNDER THE INFLUENCE <input type="checkbox"/> ALCOHOL <input type="checkbox"/> STIMULANT (COCAINE, METH, ETC.) <input type="checkbox"/> DEPRESSANT (HEROIN, ETC.) <input type="checkbox"/> OTHER:	
SUSPECT VEHICLE S#		YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN STATE						
ADDITIONAL IDENTIFIERS: <input type="checkbox"/> LOWERED <input type="checkbox"/> RAISED <input type="checkbox"/> SPECIAL PAINT <input type="checkbox"/> SPECIAL WHEELS <input type="checkbox"/> SUN ROOF/T-TOP													
R/O'S NAME (LAST, FIRST MIDDLE)		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE							
SUSPECT VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> RELEASED AT SCENE <input type="checkbox"/> HELD FOR PRINTS <input type="checkbox"/> PRINTED													
OFFICER'S NAME Fong		ID NUMBER 71	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 2 of 3						

REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL Embezzlement /Securities Fraud		OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation ADDITIONAL PARTIES		BOI CASE NUMBER BI-140507858				
<div style="display: flex; justify-content: space-between; font-size: small;"> "V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER </div>								
V# 1	LAST, FIRST MIDDLE (FIRM, IF BUSINESS) McGrath, Sully		RACE W	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	DOB [REDACTED]	AGE	HT	WT
	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____					
	HOME ADDRESS [REDACTED]		CITY/STATE [REDACTED]		ZIP [REDACTED]	PHONE [REDACTED]	DL NUMBER	STATE
	BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE	SSN	
	VICTIM INFORMATION: <input type="checkbox"/> NON DISC OSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
V# 2	LAST, FIRST MIDDLE (FIRM, IF BUSINESS) McGrath, Adrienne		RACE W	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	DOB [REDACTED]	AGE	HT	WT
	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____					
	HOME ADDRESS [REDACTED]		CITY/STATE [REDACTED]		ZIP [REDACTED]	PHONE [REDACTED]	DL NUMBER	STATE
	BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE	SSN	
	VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
V# 3	LAST, FIRST MIDDLE (FIRM, IF BUSINESS) Ellis, Christopher		RACE	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	DOB	AGE	HT	WT
	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____					
	HOME ADDRESS [REDACTED]		CITY/STATE [REDACTED]		ZIP [REDACTED]	PHONE [REDACTED]	DL NUMBER	STATE
	BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE	SSN	
	VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
V# 4	LAST, FIRST MIDDLE (FIRM, IF BUSINESS) Jay, Richard		RACE	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	DOB	AGE	HT	WT
	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____					
	HOME ADDRESS [REDACTED]		CITY/STATE [REDACTED]		ZIP [REDACTED]	PHONE [REDACTED]	DL NUMBER	STATE
	BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE	SSN	
	VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
V# 5	LAST, FIRST MIDDLE (FIRM, IF BUSINESS) Jay, Dorothy		RACE	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	DOB	AGE	HT	WT
	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____					
	HOME ADDRESS [REDACTED]		CITY/STATE [REDACTED]		ZIP [REDACTED]	PHONE [REDACTED]	DL NUMBER	STATE
	BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE	SSN	
	VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
#	LAST, FIRST MIDDLE (FIRM, IF BUSINESS)		RACE	<input type="checkbox"/> M <input type="checkbox"/> F	DOB	AGE	HT	WT
	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____					
	HOME ADDRESS		CITY/STATE		ZIP	PHONE	DL NUMBER	STATE
	BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE	SSN	
	VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
OFFICER'S NAME Fong		ID NUMBER 71	DATE		REVIEWED BY	ID NUMBER	DATE	PAGE 3 of 3

REPORT TYPE Securities / Embezzlement		OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION		BOI CASE NUMBER BI-140507858		
DEFENDANT Houghton						
<p>Summary:</p> <p>In May 2014 Santa Clara County District Attorney Criminal Investigator Tom Newland was assigned this case to investigate the allegations of embezzlement by S-Houghton from Metaview Wholesale Investments, LP. Newland interviewed R/P Bob Comes and V-Clyde Berg documenting his interviews of both in written reports. Unfortunately, Investigator Newland was transferred to a different assignment and Inv. Wilson was assigned this case for investigation in July 2014. Inv. Wilson assumed the investigation and turned it over to me in October 2015. I have read the Real Estate Fraud Complaint Form along with supporting documents provided by V-Berg and R/P-Comes. I have also spoken with Investigators Newland and Wilson as well as read their reports documenting their interviews with V-Berg R/P-Comes and V-McGrath (Primary contractor used by S-Terry Houghton. The below facts are a summary of the information that we have learned and discovered during the course of this investigation.</p> <p>S-Terry Houghton is listed as the Agent for Service of Process per the California Secretary of State Business database for two different companies: Metaview Wholesale Investments, LP and Metaview Wholesale Investments, LLC. It should be noted that Metaview Wholesale Investments, LP is the limited partnership that the investors (victims) invested in, as opposed to Metaview Wholesale Investments, LLC, which is a limited liability company, apparently wholly owned by S-Terry Houghton, his wife S-Valerie Houghton and two (2) other parties.</p> <p>During the first couple years Metaview Wholesale Investments, LP enjoyed a good rate of return on their investments reported by S-Houghton to V-Berg via emails. In an email on or about 8/24/2011 V-Berg was told by S-Houghton he would double his investment. On or about 4/18/2013, S-Houghton sent V-Berg an email that stated "Forecasting slightly over 2M this year (2013), no change". Then on or about 7/15/2013, S-Houghton emailed V-Berg stating "Contractor has been stealing from us. He's been terminated and investigating the total lost". S-Houghton named V-Sully McGrath as the contractor responsible for the theft in an email dated on or about 7/16/2013. It should be noted that a check of local law enforcement agencies failed to show a report as of the date (July 2014) by S-Houghton of the contractor, V-Sully McGrath, as stealing funds from S-Houghton and/or Metaview Wholesale Investments, LP. It was not until 02/09/2016 that S-Terry Houghton contacted the District Attorney's Office to report that he was the victim of a fraud perpetrated by V-Sully McGrath. During a voluntary interview in order to obtain his statement, S-Houghton stopped to receive a call and then informed interviewers that due to his new attorney's advice, he would have to end the interview at that time. For details as to Terry Houghton's interview, refer to supplemental report drafted by Inv. Fong.</p> <p>On July 21, 2014 Inv. Wilson interviewed V-Sully McGrath and he confirmed that he was a contractor for S-Terry Houghton and Metaview Wholesale Investments, LP from the latter part of 2010 through 2013. For details regarding this interview, refer to supplemental report drafted by Inv. Wilson. V-McGrath was a percipient witness in that he spent numerous hours each week with S-Houghton during their business relationship. V-McGrath stated that all project spending had to be approved and paid through S-Houghton. V-McGrath did not have access to Metaview Wholesale Investments, LP monies, except for a Wells Fargo Debit card with a \$25,000.00 limit. He had to have S-Houghton's approval to use that card except in an emergency.</p>						
OFFICER'S NAME Fong	ID NUMBER 71	DATE	REVIEWED BY	IONUMBER	DATE	PAGE 1 of 6

REPORT TYPE Securities / Embezzlement	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-140507858				
DEFENDANT Houghton						
<p>V-McGrath stated that, by his estimates, S-Houghton had defrauded him of approximately \$1.5 million dollars during their business relationship. V-McGrath stated that his estimated figure comes from money that V-McGrath had to advance to cover project bills and/or payroll; unpaid management fees and bonuses; and V-McGrath having to cover secondary loans that S-Houghton took out against a project property they owned together on Kennedy Rd in Los Gatos in which S-Houghton kept the money from the loan instead of investing it in the property.</p> <p>During their business relationship V-McGrath witnessed S-Houghton make the following purchases with a Metaview Wholesale Investments, LP American Express card, or other Metaview funds, which V-McGrath admitted made him uncomfortable. V-McGrath also described the purchases as arrogant.</p> <ul style="list-style-type: none"> • V-McGrath heard S-Houghton speaking with other contractors about non-Metaview projects and knows that Metaview funds were being spent on those projects. <ul style="list-style-type: none"> ▪ <u>Example</u>: S-Houghton purchased several thousand dollars worth of appliances for Metaview homes and gave \$20,000.00 worth of the appliances to Cliff Johnson for his personal home because Johnson provided S-Houghton referral business and arranged for S-Houghton to purchase a golf club membership at CordeValle. ▪ V-McGrath also claimed that Metaview money was spent to remodel Johnson's home in return for said referral business. • S-Houghton used the Metaview American Express card to pay for dinners and golf lessons at CordeValle country club. • V-McGrath was in the car with S-Houghton when S-Houghton provided the Metaview American Express card number to purchase two Forty-niner season tickets that cost \$16,000.00. • V-McGrath was in the car with S-Houghton when S-Houghton provided the Metaview American Express card number to purchase an extended mileage lease for S-Houghton's Audi A8 for \$35,000.00. • V-McGrath stated he knows that S-Houghton used Metaview funds to help purchase non-Metaview investment properties and S-Houghton kept the profits from those properties. • S-Houghton used the Metaview American Express card to purchase more points for his Marriott vacations and paid for several family vacations with the card. • V-McGrath believes S-Houghton has used the Metaview funds/credit card to pay for his children's college cost. • S-Houghton has told V-McGrath that Houghton has the largest private wine locker at Morton's The Steakhouse in downtown San Jose. V-McGrath related that S-Houghton and his wife "have their office" there and pay for everything with the Metaview American Express card. V-McGrath states that S-Houghton's daughter would bring friends of hers to the Morton's and charge their dinners to the American Express Card. • V-McGrath stated that when he and his wife were in Southern California they met S-Houghton and S-Houghton's wife (Valerie) at a restaurant called Mastros. S-Houghton paid for the \$2700.00 meal with the Metaview American Express card. <p>*Refer to report generated by Forensic Account Taver concerning S-Houghton's use of Metaview LP credit cards used for personal expenses and other non-Metaview LP expenses. *Refer to report drafted by Forensic Account Taver Chong for details. (Exhibit A) *</p>						
OFFICER'S NAME Fong	ID NUMBER 71	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 2 of 6

REPORT TYPE Securities / Embezzlement	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-140507858				
DEFENDANT Houghton						
<p>During a follow-up interview with V-McGrath conducted on 02/24/16, he advised that he completed approximately twenty (20) to twenty-one (21) properties with S-Houghton, over a two (2) year period prior to the Kennedy Road project. During these projects, S-Houghton, V. was involved in all of them. S-Houghton, V. was a paid consultant who directly controlled all aspects of the construction projects. In fact, she would meet V-McGrath almost every Saturday to review all the properties / projects and tell him which paint colors to use, design aspects, and if she did not like something that was done, he had to fix it to her liking. S-Houghton indicated to V-McGrath that he was to perform his work as S-Houghton, V. directed him to do. She was present when V-McGrath spoke with S-Houghton about the projects and changes that were to be made. Many of his past and present workers can confirm that S-Houghton, V. was on-site at many of the projects and participating in an active role.</p> <p>V-McGrath feels that he had been defrauded by S-Houghton due to not just the true monies he never received from the twenty plus projects they worked on together, wherein he was not paid per their agreement but also due to the monies that V-McGrath never received from the Kennedy Road project due to the monies S-Houghton borrowed / cross-collateralized from it and so exhausting V-McGrath's 50% profits from the sales of this project.</p> <p>It should be noted that V-Sully McGrath, and his wife V-Adrienne McGrath, [REDACTED]</p> <p>[REDACTED]</p> <p>On behalf of V-Berg, R/P-Bob Comes began an audit of Metaview Wholesale Investments, LP financial records, as is allowed per the Metaview Wholesale Investments Limited Partnership Agreement (Exhibit-C). Although R/P-Comes was unable to obtain all the financial records from S-Houghton, R/P-Comes was able to establish a practice of S-Houghton spending Metaview Wholesale Investments, LP monies inappropriately. R/P-Comes provided documentation that supported V-McGrath's account of S-Houghton's spending Metaview Wholesale Investments, LP monies on the Forty-Niner season tickets, expensive meals at Morton's The Steakhouse, money spent at CordeValle country club, and \$163,000.00 spent at the non- Metaview Wholesale Investments, LP project home located on Kennedy Rd in Los Gatos. These spending practices lead V-Berg and R/P-Comes to believe S-Houghton had embezzled several hundred thousand dollars, if not more, of the Partnership's money.</p> <p><u>Analysis:</u></p> <p>During this investigation, District Attorney personnel reviewed property deeds and deeds of trust that had been recorded with the Santa Clara County Recorder's office of known Metaview Wholesale Investments, LP project properties and non-Metaview project homes associated to S-Houghton's second business Metaview Wholesale Investments, LLC. It was noted that on several occasions it appears that S-Houghton was using Metaview Wholesale Investments, LP investment properties as collateral for his own personal investment projects. This practice of using Metaview Wholesale Investments, LP properties as additional collateral for mortgages secured by his own personal investment properties could jeopardize the investment monies of the Limited Partners if S-Houghton's investment properties became subject to a lien and/or default proceeding</p>						
OFFICER'S NAME Fong	ID NUMBER 71	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 3 of 6

REPORT TYPE Securities / Embezzlement		OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION		BOI CASE NUMBER BI-140507858		
DEFENDANT Houghton						
<p>with little or no risk to S-Houghton as well as reduce the equity in the investors' properties. The following are cross collateral properties (Exhibit B):</p> <ul style="list-style-type: none"> • 2646 Barbara Way San Jose, CA (APN 43946065) • 2940 Bent Oak Lane Morgan Hill, CA (APN 72907011) • 16683 Kennedy Road Los Gatos, CA (APN 53208065) • 16699 Kennedy Road Los Gatos, CA (APN 53208064) • 1504 Ridgeley Drive, Campbell, CA (APN 28814018) • 1648 Sweetbriar Drive San Jose, CA (APN 44623038) • 828 Warren Way Palo Alto, CA (APN 12730047) • Padova, Gilroy, CA (Appliances for non Metaview LP property) <p>A copy of the Limited Partnership Agreement for Metaview Wholesale Investments, LP was also reviewed as part of this investigation and Article VI in this agreement sets forth the <u>Rights and Powers of General Partner</u>: S-Terry Houghton. We determined that S-Terry Houghton has clearly violated the below Rights and Powers of the General Partner by embezzling Metaview Wholesale Investments, LP monies and securities for his personal gain.</p> <ul style="list-style-type: none"> • Section 6.3: Payment of Management Fee as an Advance of Distribution. The Partnership shall pay Terry Houghton a fee for services rendered in connection with the management of the Partnership business equal to \$7,000 per month...The maximum amount to be advanced to Terry Houghton would be equal to the amount Terry and Valeria Houghton have contributed to the Partnership. • Section 6.5: Reimbursement of Expenses. A General Partner shall be entitled to reimbursement from the Partnership for those cost that a General Partner <u>reasonably incurs in the proper conduct of the Partnership's business.</u> • Section 6.8: Other Business Opportunities. The General Partner may engage in any business activity for his or her own profit or advantage without the Partners' consent, <u>provided the other business activity is not in competition with the Partnership's business within the Business Territory</u> [Section 2.8 Business Territory. The Partnership's territory shall be limited to the counties of: Santa Clara, San Mateo, San Francisco, and Alameda]. <u>The Partnership shall have the right to all fees, income, and profits that a General Partner derives for any business activity that is in competition with the Partnership's business within the Business Territory.</u> <p>In addition, the business venture entered into by the listed victims with S-Terry Houghton's Metaview LP, is a participation in a profit sharing agreement defined in the LP. The victims listed provided varying sums of monies to S-Houghton to join the Metaview LP and took no active role in the LP itself. S-Houghton was listed as the General Manager who would manage the business of purchasing, rehabilitating, and then selling homes / properties for profit. Metaview LP is essentially a "Security" as defined by the Corporations Code: sub section 25019.</p>						
OFFICER'S NAME Fong	ID NUMBER 71	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 4 of 6

REPORT TYPE Securities / Embezzlement		OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION		BOI CASE NUMBER BI-140507858		
DEFENDANT Houghton						
<p>S-Houghton failed to disclose or omitted the following details to prospective partners verbally or in the LP agreements signed when they provided monies to him in order to join Metaview LP which would be material for any reasonable investor to know as part of their decision to purchase a partnership in the LP.</p> <ul style="list-style-type: none"> Metaview LLC was formed at the same time as Metaview LP. The LLC was solely owned by S-Houghton and his wife, who owned 80% and two (2) other parties who owned 20%. Of the profits for each house / property sales, Metaview LLC would receive 40 % of the profits. S-Terry Houghton intended to and did use Metaview LP credit cards for his personal expenses and non-Metaview LP purposes. (Per Forensic Accountant Taver, the approximate amount is \$62,000.00) Metaview LP monies would be used to fund its competitor Metaview LLC's properties. (Per Forensic Accountant Chong, this is evidenced by bank records he reviewed regarding the Kennedy Road properties) S-Terry Houghton used Metaview LP properties to cross collateralize other business ventures or with Metaview LLC; which were not Metaview LP related. This, in of itself, exposed Metaview LP assets to potential financial risk; while S-Houghton remained risk free. S-Houghton charged \$1.2M of construction expenses on his personal AMEX card. He had Metaview LP reimburse him for \$1.6M of expenses, and paid \$433K directly to AMEX from Metaview LP for his personal AMEX card. This resulted in at minimum \$800K inappropriately transferred to S-Houghton's personal bank account from Metaview LP. S-Houghton used Metaview LP funds pay for business credit cards of his wife's (S-Houghton, V.) company, Counselors and Consultants, the approximate amount is \$53K. S-Houghton paid himself more than \$200K in unauthorized draws, bonuses, and commissions that were not owed to him by Metaview LP, and withdrew another \$35K for an unknown purpose. S-Houghton used Metaview LP funds to pay a net \$70K to Metaview LLC (owned by the S-Houghton, T. and S-Houghton, V.). This net amount did not appear to be authorized or serve any appropriate business purpose per the partnership agreement. S-Houghton also made more than \$150K in unauthorized withdrawals from a competing project, the 'Kennedy Properties', where he was partnered with V-Sully McGrath. <p>As these omissions or non-disclosures as to his business management of the LP were not conveyed to partners in Metaview LP and would have been material in their decision to purchase into the partnership (Securities), S-Houghton is in violation of Corporations Code subsection 25401</p> <p>In conjunction with violating Securities laws, Terry Houghton, at a minimum, also embezzled approximately \$1.26M via his use of the LP credit cards for personal expenses. The information provided by witnesses in this case and Forensic Accountant Chong's analysis the Metaview LP credit cards indicate that S-Houghton used the investor's money and profits to make purchases for his personal gain instead of paying the investors their dividends and/or reinvesting the money in Metaview Wholesale Investments, LP.</p> <p>Conclusion:</p> <p>Overall, it is believed the verbal, written, and / or implied representations made by Terry Houghton to victim Berg and other victims about their investments were substantially misleading and omitted relevant details.</p>						
OFFICER'S NAME Fong	ID NUMBER 71	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 5 of 6

REPORT TYPE Securities / Embezzlement		OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION		BOI CASE NUMBER BI-140507858	
DEFENDANT Houghton					
<p>Terry Houghton appears to have violated the Corporations Codes regarding Securities and Penal Codes regarding embezzlement.</p> <p>Also, as S-Houghton, V. actively participated in the Metaview LLC rehabilitation projects as well as benefited from Metaview LP monies (i.e.: retirement plan as well as multiple personal charges to Metaview LP credit cards), she should be similarly charged with the same corporations and penal codes violation of S-Houghton (her husband).</p> <p>V-McGrath is also at a financial loss due to S-Houghton's cross-collateralizing and borrowing against the Kennedy Road project and as such is listed as a victim for the purposes of this investigation.</p> <p><u>Additional Information:</u></p> <p>The investigation as to additional embezzled funds and further instances of cross collateralization is continuing as additional requests for escrow documents as well as other financial documents are outstanding and so actual losses may increase pass those financial losses currently identified.</p>					
OFFICER'S NAME Fong	ID NUMBER 71	DATE	REVIEWED BY	ID NUMBER	PAGE 6 of 6

REPORT TYPE Embezzlement / Securities Fraud	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-140507858				
DEFENDANT Houghton						
<p>On 02/24/16 V-McGrath came to the Santa Clara County District Attorney's Office at approximately 0930 hours to speak with our office. Present in the meeting were DDA Charles Huang, Forensic Accountant Taver Chong, Attorney Christian Picone and myself. The discussion was audio recorded with the knowledge and consent of all the parties present and the following is only a summary of the discussion. During this meeting, V-McGrath provided M1 through M10 as supporting documents. M10 in particular were many of the original receipts and documents he accumulated for the Kennedy Road project and this was eventually booked into the Property Room in the District Attorney's Office. For further details regarding the less than two (2) hour talk, refer to the audio recording generated.</p> <p><u>Summary:</u></p> <p>V-McGrath stated that he entered into a working relationship with S-Houghton of purchasing property, rehabilitating them, and then selling them for profit. During the Bicknell property project, they entered into an agreement whereby he would receive \$15,000.00 a month for the use of his employees and contracting services and also receive 8% of profits from the sales of their varying rehabilitation projects. S-Houghton was responsible for paying for all materials (i.e. vendors) and sub-contracting work completed by outside vendors. On some occasions, V-McGrath would pay for sub-contractors, merchandise or salaries when S-Houghton failed to do so but this was not common practice and majorly done by S-Houghton. V-McGrath was not aware of Metaview LLP's and S-Houghton's non-competition clause with them when he started his venture with him.</p> <p>V-McGrath completed approximately twenty (20) to twenty-one (21) properties with S-Houghton, over a two (2) year period prior to the Kennedy Road project. During these projects, S-Houghton, V. was involved in all of them. S-Houghton, V. was a paid consultant who directly controlled all aspects of the construction projects. In fact, she would meet V-McGrath almost every Saturday to review all the properties / projects and tell him which paint colors to use, design aspects, and if she did not like something that was done, he had to fix it to her liking. S-Houghton indicated to V-McGrath that he was to perform his work as S-Houghton, V. directed him to do. She was present when V-McGrath spoke with S-Houghton about the projects and changes that were to be made. Many of his past and present workers can confirm that S-Houghton, V. was on-site at many of the projects and participating in an active role.</p> <p>V-McGrath started the Kennedy Road project with S-Houghton sometime in 2007-2008. His neighbor who owned the land came to V-McGrath with the project to build two (2) homes on the site and so V-McGrath approached S-Houghton with the project. He did not need S-Houghton as he already had funding but felt that he should include S-Houghton due to their prior working relationship. V-McGrath only had two (2) conditions for S-Houghton's participation which was that S-Houghton, V. was not involved and the project only involved him and S-Houghton; no connection to Metaview LP. They would share equally in the profits from any sales 50 percent each.</p> <p>V-Lively was brought in to draft a contract specifying that Metaview LP would not be involved and to cover the other concerns that V-McGrath had concerning doing the Kennedy project with S-</p>						
OFFICER'S NAME Fong	ID NUMBER 71	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 1 of 3

REPORT TYPE Embezzlement / Securities Fraud	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-140507858				
DEFENDANT Houghton						
<p>Houghton. Later, V-McGrath was surprised to find out that they had spent \$37,000.00 for V-Lively's services. V-McGrath was not pleased and at this time still was unaware of S-Houghton's non-compete clause with Metaview LP. Matters were rocky from the start and it wasn't until an attempted third meeting, that escrow was finalized and closed for Kennedy Road. V-McGrath then discussed how the financing was structured with First Republic for the initial funding and how the funds were disbursed. Approximately \$305,000.00 total was wired to S-Houghton and later, an additional approximately 1.24 million (consisting of 8-9 wire transfers) was provided by a private hard money lender named David Bianco. *For details regarding the financial details, refer to digital recording*</p> <p>During the project, V-McGrath received many calls from vendors and sub-contractors that they were not being paid for merchandise or services rendered. It was S-Houghton's responsibility to handle this part of the business but V-McGrath would have to pay on occasion and seek reimbursement from S-Houghton later. V-McGrath is certain that during the Kennedy Road project, he saw S-Houghton on many occasions use an American Express credit card from Metaview LP to pay for merchandise or services rendered. As an example, S-Houghton had the Metaview LP American Express card on file as of 11/2012 at Economy Lumber. Generally, S-Houghton paid the vendors approximately 80% of the time while O-McGrath paid them 20% of the time.</p> <p>It wasn't until three (3) to four (4) months into the Kennedy Road project in 2013 that V-McGrath realize that S-Houghton was using Metaview LP funds for the project against his wishes and original agreement. V-McGrath realized that there were problems with financing as the project continued and as an example described how in 06/2013 he went on vacation. During this vacation, S-Houghton contacted him to get monies for payroll. V-McGrath had to find and wire money to him so payroll and vendors could be paid, but when he returned from vacation, he found that S-Houghton did not pay anyone.</p> <p>Later, V-McGrath recalls a time when he overheard Dave Bianco asking S-Houghton to sign some documents. He felt something was wrong and soon discovered that S-Houghton had cross-collateralized the Kennedy Road project to borrow money against it and use it for other properties. David Bianco later admitted that he did approve of the loan of money to S-Houghton borrowed against the Kennedy Road project. *For details as to these chain of events and the monies exchanged or disbursed, refer to digital recording*</p> <p>V-McGrath stated that S-Houghton lived a high life style and drove a new Audi A-8, while his wife drove an Aston Martin and his children drove new cars. S-Houghton's house was also remodeled recently. The Houghtons went on extravagant vacations and in his opinion lived a very extravagant lifestyle.</p> <p>While V-McGrath's wife sold several of the twenty (20) or so property projects, since she was a real estate agent, she had to agree to give half of her commission to S-Houghton or S-Houghton, V. so that they would allow her to sell the properties.</p>						
OFFICER'S NAME Fong	ID NUMBER 71	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 2 of 3

REPORT TYPE Embezzlement / Securities Fraud		OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION		BOI CASE NUMBER BI-140507858	
DEFENDANT Houghton					
<p>On one occasion, V-McGrath recalls the S-Houghton say, "It's my card. I dictate where the money or miles go" when he questioned his use of the Metaview LP credit cards for the Kennedy Road project.</p> <p>In response to questions asked by Forensic Accountant Taver Chong, V-McGrath stated that Felice was an investor / funding source at times and Cliff Johnson provided the services of finding investors / monies for a fee of \$75,000.00 per property.</p> <p>V-McGrath was never able to determine the true profits from any of the properties to calculate his 8% fee and usually just accepted whatever monies S-Houghton would give him.</p> <p>S-Houghton also operated a "Friend's Projects" wherein people who he is trying to gain favor with are provided with "free" contracting / remodel services. Cliff Johnson was provided a free remodel of his kitchen and the Viking appliances that were installed were charged to Metaview LP. (Padova project in Gilroy)</p> <p>Rick Jay's House in Willow Glen area of San Jose received 18,000.00 to 20,000.00.</p> <p>V-McGrath feels that he had been defrauded by S-Houghton due to not just the true monies he never received from the twenty plus projects but also due to the monies that V-McGrath never received from the Kennedy Road project due to the monies S-Houghton borrowed / cross-collateralized from it and so exhausting V-McGrath's 50% profits from the sales of this project.</p> <p>After the meeting was ended, the recording was stopped and V-McGrath provided M-10 (his original documents for the Kennedy Road project that he possessed to me).</p>					
OFFICER'S NAME Fong	ID NUMBER 71	DATE	REVIEWED BY	ID NUMBER	PAGE 3 of 3

REPORT TYPE Embezzlement / Grand Theft	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-140507858
---	---	---------------------------------

DEFENDANT
Houghton

On 02/09/16 at approximately 0910 hours, Mr. Houghton arrived at the Santa Clara County District Attorney's Office to report that he was the victim of fraud. He arrived with his wife Valerie Houghton who left before his formal interview began. Prior to this conversation, I did speak with his civil attorney (from a pending civil suit) Jared Ahern who told me that he was fine with Mr. Houghton speaking with me.

Present in the interview was DDA Huang, Mr. Houghton, and myself. The interview was digitally recorded and the following is only a summary of my understanding of Mr. Houghton's account of events. For further details as to what was actually spoken, refer to the digital recording of the interview.

Houghton, Terry:

Stated that in August 2008, he formed two (2) entities. Metaview Wholesale LP for the purposes of investing in properties in order to rehabilitate them and sell for a profit. Metaview Wholesale LLC was created at the same time to be the managing entity for Metaview Wholesale LP. Mr. Houghton and his wife owned 80% of the LLC and Lisa / Edic Slievas were the remaining 20% owners.

Initial investors for the LP were David Lively, Liz Goodley, Terry and Valerie Houghton who invested \$200,000.00 each and Rick and Dorothy Jay who invested \$50,000.00 and brought the initially capitol to \$650,000.00. In 11/20/09, Mr. Berg joined the LP with an initial investment of 2 million dollars and throughout the years other investors would join.

Houghton would buy foreclosed homes on the county court steps, quickly rehabilitate them and then sell them for a profit. However, starting in 2010, the market changed and was saturated with other people buying the foreclosed homes for rehabilitation purposes. He was not finding good deals anymore and looked to REO properties being sold by banks to buy and rehabilitate. As these properties were more expensive and the rehabilitations required similarly higher, he decided to hire Mitchell Development to do contracting and rehabilitation work on the properties purchased.

Houghton decided in 07/11 to minimize costs by paying Mitchell Development a set fee of \$15,000.00 a month, but agree to pay separately for labor costs of their contractors/laborers, and costs of any materials (via credit cards). From this time to 06/28/13, Houghton would receive emails from Mitchell Development listed these charges and he would pay them. In 09/12, Houghton began to suspect that he was being overcharged and so hired an accountant and was told that he was being defrauded and overcharged. As Houghton was being overcharged for the rehabilitating being done to the homes purchased, this changed the formula he would use in calculating the percentages from home sales (profits) that he would use in dispersing monies to his LLC, his monthly fee, and his retirement account. He, without any intent, was disbursing more monies to the afore; in excess to what he actually should have. He wanted to correct this and ensure all investors in the LP received the monies they were owed but Mr. Berg forced him out of the LP before he could do so.

Mr. Houghton did use the American Express Platinum card under Metaview LP for work personal charges and though his wife had no connection to Metaview LP, had one issued in her name also. No one else was issued a card or used one outside of the persons he listed during this interview. He would pay Metaview some of the charges and apply others to the monies owed to him per his agreements. As a result of his current legal issues, Houghton recently had a judgement against by American Express for \$300,000.00.

Before the discussion could continue any further, Houghton received a call from Lee Altschuler 650-328-7917; a criminal defense attorney. He stated that per his attorney's advice, he needed to end the discussion with us until a later time and after he had time to speak with him.

During this discussion, Houghton provided Exhibits 1 through 6 to me to substantiate his statements to us. I made copies of them and provided these copies to DDA Huang.

later escorted Houghton from our office and created a CD of the digital recording as well as memorialized the incident in this report.

OFFICER'S NAME Fong	ID NUMBER 71	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 1 of 1
------------------------	-----------------	------	-------------	-----------	------	----------------

REPORT TYPE Fraud	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-1406-07858
DEFENDANT		

INVESTIGATION:

APRIL 15, 2014

Clyde Berg and an associate of his, Robert Comes, submitted a Real Estate Fraud Unit Complaint Form to the Office of the District Attorney regarding Terry Houghton whom Berg had invested \$3 million dollars with to buy, rehabilitate, and sell homes. The complaint, and supporting documents, explained that Houghton was the managing partner for an investment partnership; MetaView Wholesale Investments, LP. Berg was one of several people that invested over \$4 million dollars with Houghton/MetaView LP between 2009 and 2013. Berg and Comes explained that In July 2013 Houghton emailed Berg stating that a contractor had stolen all the money from the investment group. Berg found that hard to believe since he had received an email in May 2013 from Houghton stating the investment group was making money and Houghton projected a \$2 million dollar profit for 2013. Berg and Comes began their own investigation into the disappearance of the money and stated it appeared that Houghton had been spending the partnership's money on personal expenses and non-partnership projects.

APRIL 28, 2014

The Office of the District Attorney began an investigation.

MAY 18, 2014

Investigator Newland was assigned this case and conducted interviews of Clyde Berg and Robert Comes along with various preliminary investigative task. Investigator Newland documented his interviews along with digitally recording them. Investigator Newland was later assigned to the Homicide detail before he was able to complete this investigation.

JULY 3, 2014

I was assigned this case. I reviewed the Real Estate Fraud Complaint and the associated documents that Berg and Comes had provide this office. I also spoke to Investigator Newland about this case and read his reports related to this case.

JULY 21, 2014

Deputy District Attorney Charlie Huang, Senior Paralegal Duane Shewaga and I interviewed Sully McGrath in the 3rd floor conference room at the Office of the District Attorney's Bureau of Investigations. [REDACTED]

[REDACTED] McGrath was not in custody and was informed he was free to leave at any time. The interview was digitally recorded and later copied onto a CD which was booked as evidence. Below is a summary of that interview.

OFFICER'S NAME K. Wilson	ID NUMBER #39	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 1 of 8
-----------------------------	------------------	------	-------------	-----------	------	----------------

REPORT TYPE Fraud	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-1406-07858
DEFENDANT		

INTERVIEW OF SULLY MCGRATH

McGrath is a general contractor by trade and has been for approximately 20 years. He owns Mitchell Development based out of Los Gatos. It should be noted that McGrath did not have notes with him thus some of the dates and / or monetary figures he spoke of are from memory and may not be absolutely correct.

McGrath stated he met Terry Houghton in approximately 2005. McGrath had played golf and been at social functions with Houghton several times between 2005 and 2011. During that time they had not had any business dealings together. Sometime in 2011 McGrath said Houghton approached him with a business offer. McGrath states Houghton asked him to build/remodel two or three homes by contract (meaning, McGrath would charge Houghton one price for the entire job). McGrath explained that Houghton told him he had an investment partnership that purchased foreclosed homes, remodeled and then sold them. McGrath stated he thought the name of the partnership was MetaView Wholesale Inc (the true name was MetaView Wholesale Investments, LP that McGrath was working for). McGrath stated he was not aware of a second business owned by Houghton named MetaView Wholesale Investments, LLC. McGrath said the checks he received from Houghton for payment on the contracted projects were from Houghton's business MetaView. McGrath stated he decided to do business with Houghton since he knew of the people that had invested in MetaView. McGrath stated people like Clyde Berg and Chris Ellis are smart business people and probably would not invest their money unless the person was "okay".

While working on a project at 1648 Sweetbriar Dr, San Jose; Houghton approached McGrath with another business offer. McGrath stated Houghton wanted McGrath to stop working for other clients and become Houghton/MetaView's exclusive contractor. McGrath and Houghton made a verbal agreement that McGrath would be paid a management fee of \$15,000 per month, 8% net profit of each project, all cost associated to each project, and bonuses based on construction time. McGrath stated that they did not have a written contract nor did they memorialize the agreement in emails or any other writings. McGrath stated he did not have access to any MetaView funds minus having the use of a MetaView Master Card for "emergency" purchases. The Mater Card had a \$25,000 limit. McGrath stated that all purchases had to be cleared through Houghton who would pay for the purchases by using a MetaView American Express card or by MetaVeiw check. McGrath stated he was paid by Houghton with MetaView checks. McGrath stated that on several occasions he had to advance money to cover project cost and / or payroll. McGrath stated that he had not been paid for a \$35,000 advance for project bills that he had to cover or subcontractors/employees would have stopped working. McGrath stated he billed Houghton/MetaView every 14 days via email and has kept all the records. He stated he was paid every two weeks with a MetaView check.

McGrath stated he worked on 17 projects for Houghton and /or MetaView. Below is a list of projects and the purchase price, construction cost, and sale price per McGrath's recall without his notes.

Location	Purchase	Construction	Sale
731 Bicknell Rd LG	\$1,249,000.00	\$800,000.00	\$2,740,000.00
1648 Sweetbriar Dr SJ	\$670,000.00	\$140,000.00	\$1,100,000.00
2940 Bent Oak Ln MH	\$600,000.00	\$170,000.00	\$800,000.00
2646 Barbara Wy SJ	\$600,000.00	\$180,000.00	\$980,000.00

OFFICER'S NAME K. Wilson	ID NUMBER #39	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 2 of 8
-----------------------------	------------------	------	-------------	-----------	------	----------------

REPORT TYPE Fraud	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-1406-07858
DEFENDANT		

1404 Drycreek Rd SJ	\$549,000.00	\$450,000.00	\$1,740,000.00
1504 Ridgeley Dr, Campbell	\$564,000.00	\$170 -180,000.00	\$870,000.00

McGrath stated that another arrangement Houghton had with him and his wife was that McGraths wife, Adrienne McGrath who is a realtor, would sell the homes for MetaView. In return, Houghton demanded that Adrienne pay Houghton 50% of her seller's commission.

After working five or six months with Houghton, McGrath stated he began to notice things that he thought were not good business practices. Below are several examples that McGrath witnessed of how Houghton would spend MetaView's money on personal items and / or non-MetaView projects.

- Heard Houghton speaking with other contractors about non-MetaView projects and knows that MetaView funds were being spent on those. Example Houghton purchased several thousand dollars worth of appliances for MetaView homes and gave Cliff Johnson \$20,000.00 worth of the appliances for Johnson's personal home.
- McGrath also claimed that MetaView money was spent to remodel Johnson's home in return for referral business.
- McGrath was in the car with Houghton when Houghton provided the MetaView American Express card number to purchase Forty-Niner season tickets that cost \$160,000.00.
- McGrath was in the car with Houghton when Houghton provided the MetaView American Express card number to purchase an extended mileage lease for Houghton's Audi A8.
- McGrath stated he knows that Houghton used MetaView funds to purchase non-MetaView investment properties and Houghton kept the profits from those properties.
- Houghton used the MetaView American Express card to purchase more points for his Marriott vacations and paid for several family vacations with the card.
- McGrath believes Houghton has used the MetaView funds/credit card to pay for his children's college cost.
- Houghton used the MetaView American Express card to pay for dinners and golf lessons at CordeValle country club in San Martin, CA.
- Houghton has told McGrath that Houghton has the largest private wine locker at Morton's The Steakhouse in downtown San Jose. McGrath related that Houghton and his wife "have their office" there and pay for everything with the MetaView American Express card. McGrath states that Houghton's daughter would bring friends of hers to the Morton's and charge their dinners to the American Express Card.
- McGrath stated that when he and his wife were in Southern California they met Houghton and Houghton's wife at a restaurant called Mastros. Houghton paid for the \$2700.00 meal with the MetaView American Express card.

In addition to the above questionable spending/embezzlement of MetaView's funds on what appear to be personal pleasures and non-MetaView projects, McGrath stated that Houghton routinely would be late in paying subcontractors and / or suppliers that would cause delays in the projects. Routinely McGrath would advance money so that the projects could continue on schedule, since his bonuses were based on how fast he could build a home for Houghton.

OFFICER'S NAME K. Wilson	ID NUMBER #39	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 3 of 8
-----------------------------	------------------	------	-------------	-----------	------	----------------

REPORT TYPE Fraud	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-1406-07858				
DEFENDANT						
<p>McGrath estimates that Houghton has defrauded him of approximately \$1,500,000.00 during their business relationship. McGrath explained that at one point while working on the Cherry Glenn project, he confronted Houghton about Houghton owing him several thousands of dollars. Houghton explained to McGrath that upon the completion and sale of the Cherry Glenn project, Houghton would be caught up with his debts and McGrath would be paid. Houghton informed McGrath that he would be getting approximately \$800,000.00 out of the Cherry Glenn project. Since McGrath's wife was the realtor she informed McGrath there was only \$289,000.00 from the sale.</p> <p>McGrath further explained that when an acquaintance of his approached him to buy property on Kennedy Rd in Los Gatos to build two spec-homes, McGrath told Houghton that he was done working for Houghton and going back into business for himself. Houghton learned of the Kennedy Rd property and the two agreed to allow Houghton in as an investment. Houghton owned 50% and McGrath and his wife 50% of the Kennedy Rd project which was comprised of two lots. McGrath justified staying in business with Houghton because it was the only way he saw that he could recover the \$500-\$600,000.00 in bonuses, management fees, and money McGrath had advanced on different projects that McGrath said Houghton owed him.</p> <p>McGrath stated he had made all the arrangements for financing on the Kennedy Rd house so that he (McGrath) did not have to put in any of his own money. McGrath explained that the seller did a full carry back, had private financing, and that he and Houghton took out a \$1,410,000.00 construction loan. McGrath stated that Houghton controlled all the money for the Kennedy project like he did for the MetaView projects and believes MetaView money was used on the project. During the project McGrath stated that Houghton failed to pay sub-contractors and he had to cover the cost by taking out a \$600,000.00 loan. Also, while McGrath was on vacation towards the end of the project, he said Houghton took out a \$250,000.00 loan against the property and kept all the money for himself. McGrath stated that Houghton had a close friendship with the lender, David Bianco of Hamilton Ridge Asset Management, thus how Houghton was able to get the funds released for the \$250,000.00 loan when McGrath was not around to sign for the 3rd Deed of Trust. McGrath stated when the Kennedy homes sold; Houghton refused to pay off loans or closing cost. McGrath stated he had to cover approximately \$34,000.00 for closing cost so that the sales would go through.</p> <p>McGrath further explained that Houghton had purchased the project home on Warren from David Bianco and used MetaView funds to pay for the projects for a private investment by Houghton. McGrath stated that he knows MetaView funds also paid for a remodel of Bianco's personal home because McGrath worked on the project.</p> <p>McGrath spoke about how Houghton was able to purchase a membership at CordeValle country club in San Martin, CA. He stated that a person named Cliff Johnson was able to get John Filice to provide financing for some of Houghton's projects. McGrath stated the arrangement between Johnson and Houghton was that Houghton would pay Johnson \$75,000.00 each time Filice would finance a project. Cliff arranged for Houghton to purchase a membership at CordeValle. Houghton also remodeled Johnson's home using MetaView money and gave Johnson \$20,000.00 worth of appliances that had been purchased for MetaView projects.</p>						
OFFICER'S NAME K. Wilson	ID NUMBER #39	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 4 of 8

REPORT TYPE Fraud	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-1406-07858
DEFENDANT		

McGrath stated that Houghton's wife, Valerie Houghton, is just as involved in the MetaView business dealings as Terry Houghton is. McGrath stated Valerie would show up at job sites and give him directions as to what was to be done to the home. She would come to McGrath's home on weekends and tell McGrath what needed to be done on various projects that week.

McGrath stated that he never was "paid" by Valerie but he knows she is very involved in the company and its daily operations. He also stated that Valerie is a lawyer and Marriage & Family Therapist. McGrath stated that Terry does all the billing for her business and stated to McGrath on three separate locations that they (Terry and Valerie Houghton) "needed more money that month" so he (Terry Houghton) would have to "overbill her clients".

McGrath stated he knows Houghton has used unlicensed contractors on various projects that he did not/would not work on. McGrath stated Houghton used his nephew, Keith Foster, on the Warren project (the home McGrath states Houghton purchased from financier David Bianco). Initially that project was an un-permitted project and was "red-tagged" by the city and all work had to stop. McGrath said Houghton fired Foster and instructed McGrath get the permits and finish the project.
End of Statement Summary

JULY 30, 2014

I spoke with Andy Kwitowski by phone (the conversation was recorded) who was a general contractor who worked on 3 of the MetaView properties after Bob Comes took over the management of MetaView. The properties were at 1660 Patio Dr, San Jose, 1227 Glenwood Av, San Jose and on Warren in Palo Alto.

INTERVIEW of KWITOWSKI:

Mr. Kwitowski stated that Terry Houghton contacted Kwitowski when McGrath stopped working for MetaView. Kwitowski stated he had met Terry Houghton and Clyde Berg at the San Jose Country Club a couple years prior. Kwitowski stated Houghton was very vague in the details about the homes so Kwitowski contacted Mr. Berg for specifics. Later, Bob Comes stepped in and provided Kwitowski the information he needed to properly bid the jobs. Kwitowski never worked with or for Houghton. Kwitowski worked with Bob Comes and is not owed any money for the 3 jobs. Kwitowski was paid by MetaView via T&T Equities (Bob Comes) for Patio and Glenwood. Kwitowski was paid via the private lender (Build Zig/Hamilton Ridge) directly for the Warren property. Houghton had come around the Patio job site but Kwitowski was not aware if Houghton was profiting from the projects. Kwitowski also met Houghton at a mini-storage unit where building materials had been stored by McGrath. Besides that, Kwitowski had minimal contact with Houghton and no personal knowledge of the issues with Houghton and MetaView.

JULY 31, 2014

The honorable Linda Clark signed search warrant CSW46090 for Bank of the West and American Express records related to Terry Houghton and MetaView Wholesale Investments, LP and MetaView Wholesale Investments, LLC. I served the search warrant for Bank of the West by personal service at a local branch located at 1705 N. First St, San Jose, at approximately 1300 hours on 7/31/14 and American Express via FedEx delivery on 8/1/14.

OFFICER'S NAME K. Wilson	ID NUMBER #39	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 5 of 8
-----------------------------	------------------	------	-------------	-----------	------	----------------

REPORT TYPE Fraud	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-1406-07858
DEFENDANT		

I believed these records would show who embezzled MetaView Wholesale Investments, LP funds and how.

AUGUST 12, 2014

Paralegal Duane Shewaga provided me with copies of certified records from the California Secretary of State. These records confirm Terry Houghton is the sole manager for MetaView Wholesale Investments, LLC which was filed as a Limited Liability Company with the State of California in April 2008. Also Terry Houghton was the General Partner of MetaView Wholesale Investments, LP which was filed as a Limited Partnership with the State of California in March 2008. Each set of records indicates an address for Terry Houghton as 1232 Norval Way, San Jose. In July 2014 Terry Houghton was replaced as the General Partner by Tyler Comes (Bob Comes son) at the request of the partnership due to the financial discrepancies. The Amendment to Certified of Limited Partnership was filed in July 2014 with the State of California. The Secretary of State reported that the Limited Partnership had not filed a Statement of Information.

AUGUST 14, 2014

I received and reviewed the search warrant returns from American Express via a UPS delivery of one box that contained hard copies of the requested documents. The original documents were scanned by Senior Paralegal Duane Shewaga which I booked into evidence on 10/22/14. Forensic Accountant Taver Chong examined the records.

AUGUST 20, 2014

The honorable Michele McKay-McCoy signed search warrant CSW45156 for AOL records related to Terry Houghton's email account; [REDACTED] I served the search warrant via fax on the same date at approximately 1123 hours.

Prior to this date I had learned during the investigation that Terry Houghton used this AOL email account to communicate with Clyde Berg and Sully McGrath and believed the records may have evidence of who embezzled the MetaView Wholesale Investments, LP funds and how.

September 2, 2014

I received and reviewed the search warrant returns from Wells Fargo Bank via a FedEx delivery of two boxes that contained hard copies of the requested documents. The original documents were scanned by Senior Paralegal Duane Shewaga which I booked into evidence on 10/22/14. Forensic Accountant Taver Chong examined the records.

September 3, 2014

The honorable Venessa A. Zecher signed the search warrant return for the American Express and Wells Fargo Bank documents (search warrant CSW46090).

September 4, 2014

D.D.A. Charles Huang forwarded me an email from Robert Comes. The email from Comes has an attached email from Valerie Houghton. Valerie Houghton sent the email via an email address of

OFFICER'S NAME K. Wilson	ID NUMBER #39	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 6 of 8
-----------------------------	------------------	------	-------------	-----------	------	----------------

REPORT TYPE Fraud	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-1406-07858
DEFENDANT		

_____ and the subject line was "Re: Notice to partners". The email was addressed to other people, including a person named David Marks who was acting as the attorney for the MetaView Wholesale Investments LP at the time. The date of the email was two months after Terry Houghton disclosed to Clyde Berg that the partnership had lost all its money. The language of the email clearly shows that Valerie Houghton had intimate working knowledge of the partnership and appears to have been working with David Marks in making decisions and strategies on what needed to be done regarding the dilemma of the partnership.

See below email from Valerie Houghton:

From: Valerie Houghton _____
 Sent: Tuesday, September 17, 2013 5:26 PM
 To: E. David Marks _____
 Cc: Thomas G Merigan _____ Lee Altschuler _____ abollano _____
 Subject: Re: Notice to partners

who is Thomas Merigan?
 On Sep 17, 2013, at 5:20 PM, "E. David Marks" _____ wrote:

Here is the revised one. You need to sign agreement re proceeds and attach. I have given you the other attachments. If good to go, send it off. It is to come from Terry.
 To Limited Partners of MetaView
 My apologies for getting this out so late. I am working with David Marks on all issues and his wife had a medical procedure today that took much longer than thought and I had an afternoon meeting with Bob Comes who is going to help on these projects.
 I wanted to give you a progress report on a few issues prior to our meeting.

Patio Afto Project
 I attach the new permit we had to get to move forward with the project. We are retaining a contractor and will move forward. There are some limited partners that have asked us to work with a consultant named Bob Comes. We have come to an agreement with Bob which I attach to this notice. I will report on a meeting I will be having with him. He also has funding connections.
 We had a possible issue with the City about dewatering below grade but worked it out so we will not have to do this.

Funding and Tolling Agreement
 I have spoken with a lender (David Bianco) who is open to taking out the loans on Patio and Glenwood. He would loan us 60% of final constructed appraised value. This could mean that we need little or no extra money. We will need to have this in place very soon but this is very good news.
 Mr. Bianco has heard there are issues within partnership and does not want to get involved unless he understands that the partners (especially Clyde) are in favor of moving forward with the projects. I hope that we can move forward as a group. He also has said he would not consider this loan until Kennedy closes which is expected on October 1.
 The loans on Glenwood and Patio are due October 1, but we will have time to cure.
 We know that many, if not all, of you are quite upset with what happened. So that we can move forward and preserve any rights you may have, I, on behalf of my LLC and personally will execute a tolling agreement so that no statute of limitations run. By this, it is basically a pause button on the running of statute of limitations. I will agree that such an agreement cannot terminate until at least six months after the close of the last remaining project.

Accounting Issues
 Our accountant for tax issues has found mistakes made by our former CPA including failing to properly report reimbursements (and calling them disbursements), improperly reporting profit and not doing the proper reconciliation. I attach a letter from the CPA.
 We are still determining what monies were improperly paid to the LLC. We now know that some of the money listed as disbursements were actually reimbursements.
 I originally thought that there was approximately \$300,000 improperly disbursed to the LLC. We have paid back \$242,000. This number could go up as our forensic accountant does work or it may go down. Right now we are operating from the \$300,000 number which means that we owe \$58,000. If we learn that the LLC was improperly paid more than \$300,000, we commit that the LLC will pay this amount.
 The distribution issue is completely different than the overcharging by Sully.

Promissory Note
 Our LLC has executed a promissory note for \$58,000 to cover the possible overpayments that we think occurred. I will personally guarantee it. If the proceeds from Kennedy cover the overpayment, the note will be deemed paid. If it is determined there are more payments our LLC needs to repay, we will make a plan for repayment.

Kennedy Transfer
 We have talked to the CPA and have determined transferring the interest in the project would put the partnership in a partnership with Sully. Instead, I have attached an agreement signed by Valerie and me that any money that comes from Kennedy (up to \$58,000) will go to the LP.

Lawsuit
 We have held off on the lawsuit for many reasons including that Kennedy needs to close to get some money to the LP. We are working on it and will file at the appropriate time.

Documents from Sully
 Despite repeated requests, we have nothing. It would make our accounting so much easier (and cheaper) if he gave us his binders, but he will not.

REPORT TYPE Fraud	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INVESTIGATION	BOI CASE NUMBER BI-1406-07858
----------------------	---	----------------------------------

DEFENDANT

September 17, 2014

The Honorable Julia Alloggiamento signed search warrant CSW46288 for Apple Inc. records related to Valerie Houghton's email account of [REDACTED]. I served the search warrant via fax at approximately 1401 hours. I believed these records would show Valerie Houghton's involvement in the embezzlement of MetaView Funds. From what I could ascertain this email address was used as Valerie Houghton's personal email address. She had a different email address, [REDACTED] listed on her website for her family practice.

November 4, 2014

I received a USB storage device via a FedEx delivery from AOL Inc containing the email records requested for [REDACTED] in search warrant CSW45156. Due to the voluminous amount of emails on the USB device, it was sent to the Santa Clara County Crime Lab for a key word search of names, email addresses, addresses, and other words related to this investigation.

November 5, 2014

The Honorable McKayMcKoy signed the search warrant return for CSW45156.
The Honorable McKayMcKoy signed search warrant CSW46580 for CitiBank/Home Depot credit card records related to Terry Houghton, MetaView Wholesale Investments, LP and MetaView Wholesale Investments, LLC. I believed these records could show how MetaView Funds were embezzled. I faxed the search warrant to CitiBank at approximately 1445 hours.

November 18, 2014

I received records from Citibank on a CD via a UPS delivery. The CD contained the requested credit card records from search warrant CSW46580. Copies of the records were turned over to Forensic Accountant Taver Chong. I booked the original CD into evidence on 5/18/15.

November 20, 2014

The Honorable McKayMcKoy signed the search warrant return for CSW46580.

November 25, 2014

I received records from Apple on a USB drive via a FedEx delivery for email account valeriehoughton@me.com for search warrant CSW46288. Due to the voluminous amount of emails on the USB device, it was sent to the Santa Clara County Crime Lab for a key word search of names, email addresses, addresses, and other words related to this investigation.

December 9, 2014

The Honorable Vanessa Zecher signed search warrant return for CSW46288.

March 27, 2015

I was transferred to a new assignment within the Bureau of Investigations and this case was reassigned at a later date.

OFFICER'S NAME K. Wilson	ID NUMBER #39	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 8 of 8
-----------------------------	------------------	------	-------------	-----------	------	----------------

REPORT TYPE Fraud		OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation Evidence Report		BOI CASE NUMBER BI-1406-07858		
DEFENDANT Houghton, Terry						
Physical Evidence <ol style="list-style-type: none"> Wells Fargo Bank records obtained by Search Warrant CSW46090 <ul style="list-style-type: none"> Received from Wells Fargo Bank on 9/2/14 via Fed Ex delivery Two boxes booked into evidence at the Office of the District Attorney Bureau of Investigation on 10/22/14. Box One contains the following items: <ul style="list-style-type: none"> The search warrant declaration from Wells Fargo Account applications Terry and Valerie Houghton bank account records MetaView, LP bank account records BDA Terry & Valerie Houghton bank account records MetaView, LLC bank account records Box Two contains the following items: <ul style="list-style-type: none"> 8893 WG Project bank account records Bella Porte De California, LLC bank account records Bank records associated to Houghton's children Counselors and Consultants bank account records American Express records obtained by Search Warrant CSW46090 <ul style="list-style-type: none"> Received from American Express on 8/14/14 via UPS delivery One box booked into evidence at the Office of the District Attorney Bureau of Investigation on 10/22/14. USB Thumb drive received via FedEx containing AOL email records for Terry Houghton obtained by Search Warrant CSW 45156. <ul style="list-style-type: none"> Received from AOL on 11/4/14 Booked into evidence on 11/5/14 Sent request to the Crime Lab for key word search. Results pending. Kingston DataTraveler USB Thumb Drive containing Apple emails for Valerie Houghton's email records obtained by Search Warrant CSW 46288. <ul style="list-style-type: none"> Received from Apple on 11/25/14 and booked into evidence. Sent request to the Crime Lab for key word search. Results pending. Obtained documents not received from Wells Fargo Bank from original search warrant CSW46090. <ul style="list-style-type: none"> Received via UPS on 11/4/14. Booked into evidence on 5/8/15. CD-Rom containing Citibank records from search warrant CSW46580. <ul style="list-style-type: none"> Received via UPS on 11/18/14 (password for zipfile [REDACTED]) Booked into evidence on 5/8/15 						
OFFICER'S NAME K. Wilson	ID NUMBER #39	DATE	REVIEWED BY	ID NUMBER	DATE	PAGE 1 of 2

REPORT TYPE Fraud		OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation Evidence Report		DOJ CASE NUMBER BI-1406-07858	
DEFENDANT Houghton, Terry					
<p>7. CD-Rom containing recorded interviews of W-McGrath & W-Kwitowski. Booked into evidence 10/2/15.</p> <p>8- CD-Rom containing documents produced by Hamilton Ridge. Received from Attorney Matthew Crosby in September 2014. Booked into evidence on 10/2/15.</p>					
OFFICER'S NAME K. Wilson		ID NUMBER #39	DATE	REVIEWED BY	PAGE 2 of 2

REPORT TYPE Grand Theft/Real Estate Fraud	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INTERVIEW	BOI CASE NUMBER BI-1405-07858
DEFENDANT Houghton, Terry		
<p><u>Witness:</u></p> <p>Berg, Clyde J. WM [REDACTED] [REDACTED] CDL# [REDACTED]</p> <p><u>Statement:</u></p> <p>I spoke with victim Berg on 5/27/14 at 1300 hours. The interview took place in Berg's office. This is a synopsis of that interview. The entire conversation was digitally recorded. Berg told me as soon as he discovered something could be amiss with his investment he turned over his documents and the responsibility of completing and looking into the project to Bob Comes.</p> <p>Berg told me he met Houghton at the San Jose Country Club where they both play golf. Berg said he was introduced by a mutual friend who told Berg that Houghton was purchasing and rehabilitating foreclosures. Berg told me he approached Houghton and discussed the investment opportunity. Berg stated he does not remember what representations were made by Houghton except that there would be a twenty percent return on his investment. Berg stated in the approximately November of 2009 he wrote Metaview a check for one million dollars. (Metaview Wholesale Investments LP is the company managed by Houghton.) Berg wrote two additional personal checks to Metaview for one million dollars each, making a total investment of three million dollars.</p> <p>Berg told me early on in the investment he received a detailed report on the investment detailing returns and the earnings of eight investors listed by number only. Berg stated looking back it should have been a red flag that he did not receive any similar detailed reports following the initial one. Berg told me he did email Houghton once a month to be updated and make a record of how his investment was doing. Berg stated he received positive email replies from Houghton describing great earnings. Berg told me his three million dollar investment was predicted to yield 5.8 million dollars, almost double his original investment.</p> <p>Berg stated about nine months ago Houghton informed him 'the contractor (Sully McGrath) stole the money'. Berg stated Houghton asked him for an additional one and a half million dollars to complete three houses under renovation. Berg said he declined to invest more money and asked his assistant, Bob Comes to investigate the disappearance of the investment funds. Berg believes Houghton absconded with his money.</p>		
OFFICER'S NAME Tom Newland	ID NUMBER Error!	05/27/2014
REVIEWED BY	ID NUMBER	DATE
		PAGE 1 of 1

REPORT TYPE
Grand Theft / Real Estate Fraud

OFFICE OF THE DISTRICT ATTORNEY
Bureau of Investigation
INTERVIEW

BOI CASE NUMBER
BI-1405--07858

DEFENDANT

Houghton, T.

Statement:

On 5/13/14 at 1345 hours I interviewed Bob Comes at [REDACTED]. This is a synopsis of that interview. The entire conversation was digitally recorded. Comes is an assistant to the victim Clyde Berg and provided an overview and background information regarding the allegation. Comes is assisting the victim in relation to this matter.

Victim Berg invested a total of \$3M in MetaView Wholesale Investments, LP. Berg invested on 11/16/09, 11/20/09, & 01/21/11 one million dollars each date. Victim made investment by writing a personal check. Comes was not present when any representations were made regarding the investment. Comes provided a list of eleven other Metaview investors with investments totaling \$4,887,000.00. The investments were solicited by the general partner of Metaview LP for the purchase of distressed homes, which were rebuilt or remodeled and then sold for a profit. Comes stated there were 23-25 previous projects, three projects are currently pending.

Terry Houghton is the General Partner of Metaview Wholesale Investments, LP. and of Metaview Wholesale Investments, LLC. Comes described the General Partner as the "Quarterback" who made all the decisions and controlled the finances of the company. The investors funds, (Nearly \$5M), were pooled together for the purchase, improvement, and sale of properties. Comes stated Houghton had initial success and earnings were reported to the investors. Profits as reported by Houghton were around 25% yearly. Comes stated there was initially good accounting including statements. Then reports of earnings were reported in mostly e-mails regularly at first and then less frequently.

Comes told me that he was approached by Berg in the mid to late summer of 2013 who raised concerns there were financial irregularities regarding his investment. Comes stated that he attempted to get financial documentation from Houghton who was resistant to provide them. Comes described the concern as being the fund was reported to be \$7M in January of 2013 and then in the summer of 2013 it was reported by Houghton to be a total loss. Houghton claimed the contractor, (Sully McGrath of Mitchell Development), stole the funds. McGrath started work for Metaview in March of 2012. Comes told me he personally spoke with McGrath about the allegation. McGrath told Comes he had no access to the funds.

Comes received statements regarding Metaview accounts from Houghton who provided them. However, Comes suspects many statements are missing. Houghton only provided the documents after the finances were found to be amiss. The other financial documents were provided to Comes by McGrath and Dave Bianco.

Comes stated he looked at the documents as well as concerns from other investors and found some of the expenditures outside of the Partnership Agreement. For example, Houghton used Metaview capital to finance a property at 16699 Kennedy Road in Los Gatos. Comes stated one month prior to Houghton reporting the funds to be a total loss, Houghton spent \$100-\$200k with company credit cards. Comes stated there is a pattern of high

OFFICER'S NAME Tom Newland #20	ID NUMBER Error!	05/13/2014	REVIEWED BY	ID NUMBER	DATE	PAGE 1 of 2

REPORT TYPE Grand Theft / Real Estate Fraud		OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation INTERVIEW		BUI CASE NUMBER BI-1405--07858		
DEFENDANT Houghton, T.						
<p>spending by Houghton, dinners, 49er tickets, cash advances, gasoline, and travel. Comes was compensated for his services \$8000.00 per month and a certain percentage of the profit. Comes alledges Houghton was also receiving kickbacks of commissions on the real estate transactions. Comes told me Houghton stated the CPA's in this case were inaccurate in their accounting.</p>						
<div> <div>California Judicial Branch News Service cjbns.org</div> <div>Socioeconomic Justice Institute socioeconomicinstitute.com</div> </div>						
OFFICER'S NAME Tom Newland	ID NUMBER Error!	05/13/2014	REVIEWED BY	ID NUMBER	DATE	PAGE 2 of 2



Valerie Runyan Houghton

Marriage & Family Therapist, RN, MFT, Esq

(408) 713-2697

About **Groups**

verified by Psychology Today

Email Me

Send to Friend

Set Up Video Call

Website

Women in Transition II

This dynamic group of highly functional women began in 1986 and has been ongoing since then. There are generally 8-9 women in this closed group. There are rare openings and entry requires clinical interview and invitation, depending on balancing of the needs of the individual with the needs and characteristics of the group process at that time. Focus is on relationships, life transition, relationships with families of origin, partners, parenting and recovery from family violence.

Location

1190 South Bascom Avenue, Suite 138
San Jose, California 95128

Show Map

Group Meets

Every Thursday
5pm - 7pm

Group Details

Issues: Trauma and PTSD
Age: Adults

Session Cost

\$70 - \$80

Email Ms. Valerie Houghton about this group or call (408) 713-2697

Ms. Valerie Houghton's Groups:

Women in Transition I

Women in Transition II

Last Modified: 15 Dec 2015



